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EXECUTIVE RECORD,

OF THE

SECOND TERM

OF

GENERAL SAM HOUSTON'S ADMINISTRATION

OF THE GOVERNMENT OF TEXAS.

2

EXECUTIVE RECORD.

Executive Department,
City of Austin, December 13th, 1841.

The President requests Washington D. Miller, Esquire, to proceed at once to the dis-charge of his duties as Private Secretary to the Executive. The office of the Department is ready for his occupation.

Appointment of Private Secretary.

I have the honor to be, very respectfully, his obedient servant,

Sam Houston

Executive Department,
City of Austin, December 13, 1841.

The President requests the Honorable Anson Jones, at his earliest convenience, to take charge of the Department of State of the Republic of Texas, and to proceed to the organization and discharge of the duties thereof — the business of the Department of State requiring early attention.

Appointment of Secretary of State.

I have the honor to be, very respectfully, his obedient servant,

Sam Houston

Executive Department,
City of Austin, December 13, 1841.

The President requests Colonel George W. Hockley, at his earliest convenience to take charge of the Department of War and Navy of the Republic of Texas, and to proceed to the organization and discharge of the duties thereof.

Appointment of Secretary of War, &c.

I have the honor to be, very respectfully, his obedient servant,

Sam Houston

Executive Department,
City of Austin, December 13, 1841.

Appointment Acting Sec. of the Treasury.

The President requests E. Lawrence Stickney, Esquire, at his earliest convenience to take charge of the Treasury Department of the Republic of Texas, as Acting Secretary of the Treasury, and until a permanent appointment shall be made, and to proceed to the organization and discharge of the duties thereof, conformably to law.

I have the honor to be, very respectfully, his obedient servant,

Sam Houston

Appointment Treasurer.

Executive Department,
City of Austin, December 16, 1841.

The President requests Major Asa Brigham, at his earliest convenience, to take charge of the Treasury of the Republic of Texas, and to proceed in the organization and discharge of the duties thereof, conformably to law.

I have the honor to be, very respectfully, his obedient servant,

Sam Houston

Message to Congress.

Executive Department,
City of Austin, December 20th, 1841.

Gentlemen of the Senate,
and of the House of Representatives.

It affords me pleasure to salute you as the representatives of the first General Congress. Elevated a second time, by the suffrages of an enlightened and free people, to the Chief Magistracy of our country, I proceed to the discharge of the embarrassing and weighty responsibilities of my office, with the utmost solicitude. It seems that we have arrived at a crisis in our national progress, which is neither cheering for the present nor flattering for the future. I heartily regret that truth will not allow me to approach the Congress with the usual felicitations of present and prospective happiness. The time has arrived when facts must be submitted in their simplest dress. Unawed by sectional or party influences, I shall occupy the position my constituents have assigned me, with unslumbering vigilance, and a sacred determination to act with decision and to speak with candor. The people must be heard and their rights protected. The constitution must be observed, and the laws must be obeyed.

My intention was to have made this communication to the Honorable Congress at an earlier day; but, notwithstanding my unremitting exertions since my inauguration, to make myself acquainted with the true condition of the government, I have not yet been able to derive that clear and satisfactory information which I deemed important to the correctness of my opinions. – The conclusions I have arrived at, in reference to the existing state of things, and the measures to be adopted to extricate ourselves from crushing embarrassment, and to provide for the absolute wants of the government and people will be laid before Congress, with all the brevity the importance of the subjects alluded to will permit.

The annual message of my predecessor, at the opening of the present

session of Congress, has placed the condition of our foreign relations, generally, before you. As yet, I have been unable to examine the voluminous correspondence of our agents abroad, on file in the State office. I cannot therefore, advise, at this time, any particular legislation on this subject.

From our contiguity to the United States, and our intimate and daily intercourse with its citizens, the Executive views it as a matter of much magnitude, to effectuate, at the earliest period, a treaty with that power of a more definite and specific character than that which constitutes the basis of our subsisting relations. I do not doubt that the Congress will provide the necessary means of attaining an object at once so desirable and necessary.

We stand in the same attitude towards Mexico, as we did in 1836. Overtures have been made by my predecessor, for the purpose of securing an amicable adjustment of existing difficulties; but, as often as made, they have been rejected, under circumstances which have not exempted this government from humiliation. Therefore, until a disposition is evinced on the part of Mexico herself to solicit friendly relations, the present Executive of Texas will neither incur the expense nor risk the degradation of further advances. Aware of the Mexican character, and believing as I always have that Mexico is and will remain unable to invade us with any hope of success, I would recommend the kindest treatment of her citizens; – so far, at least, as they might be disposed to engage in commerce with ours. But in every instance where they shall enter our territory with inimical or hostile intentions they should be treated as common enemies. I believe that any interference in the revolutions and distractions of Mexico, is not only incompatible with the dignity and interests of Texas, but directly calculated to exasperate our national enemy, while it weakens our resources, by sacrificing those of our citizens who may engage in their partizan quarrels, to their proverbial perfidy and to certain destruction. This is demonstrated by the issue of every enterprize of the kind, in which our countrymen have been participants. The feuds and contests, which have arisen and may continue to arise, have for their object personal aggrandizement, – the leaders in which are better entitled to the appellation of bandits than of either patriots or statesmen. These individuals have no exalted principles of action, and should receive no encouragement from us. The Executive, therefore, should be fully empowered to arrest and prevent the predatory warfare occasionally carried on within our territories to the injury of our Western settlers.

It is my desire that this government should assume a station in relation to this subject, not inconsistent with national respectability and conducive to our best interests. Mexico has more to lose in a contest with Texas than Texas has with Mexico. Her civil commotions will exhaust her resources and diminish her means of aggression; while emigration to Texas will give us population and resources – and they will give us power to resist aggression.

Our Indian relations are far from being satisfactory. For years, large appropriations have been made by Congress for the defence of the frontiers. With what success they have been employed, the whole country is familiar. The measures adopted under the late administration were directly at variance with those recommended by the first constitutional Executive. On the safety and security of our frontier settlements materially depend the increase of emigration, the extension of our limits and the general quietude and prosperity of all our citizens. It is therefore important that means should be provided for the Executive, and placed at his disposal, to enable him to accomplish these objects and to meet pressing emergencies. That they are within our reach I have no doubt. A thorough knowledge of the Indian character has induced a firm belief on my part that a sum less than one fourth of the amount heretofore annually expended for these purposes, would procure and maintain peace with all the Indian tribes now upon our borders. I would suggest that a number of posts be established at suitable points, extending from

our Western border to Red River; — that treaties be concluded with the several tribes, and that one or more traders be established, under proper regulations, at each of these posts, with from twenty five to thirty men for their protection. I do not doubt that this system, once established, would conciliate the Indians, open a lucrative commerce with them and bring continued peace to our entire frontier. Their intercourse with us would enable them to obtain articles of convenience and comfort which they could not otherwise procure, unless by a very indirect trade with more remote tribes who have commerce with traders of the United States. Finding a disposition on our own part to treat them fairly and justly, and dreading a loss of the advantages and facilities of trade, they would be powerfully affected, both by feelings of confidence and motives of interest to preserve peace and maintain good faith. The hope of obtaining peace by means of war has, hitherto, proved utterly fallacious. It is better calculated to irritate than to humble them. Neither can we pursue with the hope of exterminating them. Millions have been expended in the attempt, and what has been the result? War and theft are their vocation; and their incursions are made upon us with impunity. We cannot pursue them with success. Our citizens, so continually harrassed, are disgusted. Industry and enterprize are alike embarrassed — the former prevented and the latter discouraged. How far it is necessary for Congress to provide for the attainment of these objects is referred to their consideration.

In commencing my official duties, it was reasonable to suppose I should have found the ordinary facilities of conducting the affairs of government. On the contrary, I find it in a condition more deplorable than it was at the period of its commencement. There is not a dollar in its Treasury — the nation is involved from ten to fifteen millions. The precise amount of its liabilities has not been ascertained; nor does the Executive expect, deprived as he is of the means of transacting the public business, to be able to ascertain its true condition within any reasonable time. Business connected with some of the important branches of the different departments, has remained unsettled and unascertained for the last three years. Until its true condition is known, the adequate remedies cannot be applied. We are not only without money but without credit; and, for want of punctuality, without character. At our first commencement we were not without credit, nor had a want of punctuality then impaired our character abroad or confidence at home. Patriotism, industry and enterprize are now our only resources, apart from our public domain and the precarious revenues of the country. These remain our only hope, and must be improved, husbanded and properly employed.

As my predecessor recommended no definite course in relation to our finances, I will not hesitate in recommending the only plan which, to my mind appears practicable and efficient. View it as we may, it will at least find justification in necessity. We have no money — we cannot redeem our liabilities. These facts are known, and we had as well avow them by our legislation as demonstrate them by every day's experience. I would, therefore, recommend to the Honorable Congress a total suspension of the redemption of our liabilities to a period sufficiently remote to enable the government to redeem in good faith such as it ought to redeem. It is known to the Executive that, to a considerable amount they have been justly incurred; whilst he has reason to believe that many will be brought forward not by any means entitled to governmental consideration. To attempt a redemption of our present liabilities by taxing our population to the amount necessary, would be to them ruinous. Much as we might have deprecated this course of policy, we have now no other remedy left. The evil is upon us. —

While many just claims are thus deferred, we can only refer our creditors to our inability to pay our debts.

To sustain our present system of government, it is proper that we should adopt such a course of policy as will not prove insupportable to its citizens, and at the same time provide for its necessary expenditures and preserve a due adherency to our existing obligations. I would therefore recommend, that the law authorizing the assessment of double taxes be repealed — that the direct tax be reduced one half, and that all taxes hereafter assessed be receivables only in gold and silver or paper of unquestionable character — the receiving officer to be held responsible for its value. I would further recommend that all dues and duties which may hereafter accrue to the government be paid in gold and silver or equivalent currency. The present tariff may require some revision and modification, and, on some articles a reduction. This however will become a matter of consideration for the Congress.

I would further recommend to the attention of the Honorable Congress, the propriety and absolute necessity of resorting to a new issue of paper — not exceeding in amount three hundred and fifty thousand dollars, not more than fifty thousand dollars of which to be issued in any one month until the whole shall be put in circulation. The government must be supported and the people must have a currency. It is designed for this new issue to take the place of the present promissory note system, and be receivable for all the revenues of government as equivalent to specie. — For the redemption of this new species of paper, I would recommend that one million acres of the public domain lying within the territory known as the Cherokee country, be specially set apart and reserved; and these lands, or the proceeds thereof when brought into market, be pledged as a guaranty for that purpose. It is further recommended to the Congress to authorize the negotiation of a loan of three hundred thousand dollars to meet the emergencies of the country. The security upon which this loan is intended to be made, will be specific portions of the public domain set apart, designated and specially reserved for its final payment; in default of which on the part of the government, said lands to become the property of the government bondholders, on such conditions as may be agreed upon by the contracting parties; — and the lands thus hypothecated not to be subject to any legislation that might divert their proceeds from the objects avowed.

The Executive feels fully satisfied that this system once adopted in good faith and adhered to, will furnish the country with a sufficient currency and maintain its credit unimpaired. The excessive and unnecessary emission of the promissory notes of the government has produced the depreciation of, and destroyed the currency of the country. An amount not exceeding five hundred thousand dollars will answer all the conveniences of government, and in my opinion remain in value equal to gold and silver. Experience has instructed us in the ruinous policy of issuing a greater amount of government liabilities than were necessary for the purposes of trade and commerce. The rock on which we have been wrecked must in future be avoided. So long as the amount did not exceed six hundred and fifty thousand dollars our money remained nearly at par in foreign markets whilst at home it suffered no depreciation. In the ratio of excessive increase in issue was its depreciation, until it sunk into its present almost valueless condition. In commencing anew it is proper that we adopt a system, from which no emergency will induce a departure. Instructed by experience in the fallacy of the past, we can have no excuse for a failure in our pledges for the future.

The principal reason why I incline to diminish direct taxation and rely upon import duties as a source of revenue is, that I deem them the most just and equitable and least burthensome to the actual laborer and productive classes of the country. Direct taxation bears immediately upon the farmer whilst a large portion of the community can only be reached by it

duties. It is not the agriculturalist that is generally the consumer of articles of foreign manufacture and importation; but those who produce nothing from the soil and rely upon other pursuits for a subsistence and who are not so directly engaged in developing the resources of the country, will be most sensibly affected by tariff regulations, and thereby contribute a fair proportion to the support of government. If the farmer is necessarily compelled to purchase articles for consumption of foreign importation he will contribute through the merchant to that branch of revenue - the merchant having added the duty to the price of the article sold. The merchant will receive the produce of the farmer in exchange for his goods; whereas, otherwise, the farmer would pay cash into the Treasury for his direct taxes, where, of course, nothing would be receivable but money.

Thus have I submitted my views to the Congress in relation to the finances of the country; not in a spirit of dictation but of recommendation and advisement. Upon the system that may be adopted depends our national existence.

The Executive being held responsible for the execution of the laws and the defence of the nation, must have the necessary means placed at his command for their accomplishment. At this time there are none; nor has the President on any occasion any disposition to violate the constitution by expending the substance of the country or incurring national liabilities by the use of means which have not been appropriated to him by the laws. This will become a subject for the consideration of the Honorable Congress, and is so impressively manifest that I need not urge it as a subject of importance upon your attention. It is expected by our constituents and they ought not to be disappointed. It is the peculiar province of the Congress to furnish the Executive with the means to execute his duties to the country in affording protection to its citizens. Without means he can neither execute his trusts nor redeem his obligations.

During my former term of service as the Executive of the nation, the then Congress denied me all requisite aid for the defence of the country. Repeated calls were made upon me for assistance and protection against Indian incursion and depredation, and I could render neither, because the means had been denied me and my power had been transferred to the Major-General of the Militia. Evil was produced to the country by these unauthorized acts, whilst the Executive was held responsible by the people for misfortunes which were attributable to the Congress alone. It is sincerely to be hoped that like unfortunate and improvident legislation may never again be experienced in our country.

With regard to our navy, I deem but few remarks necessary. Its situation and condition have been subjects of discussion before the Honorable Congress for some time past, and as its final action has not been taken in relation to the matter, a becoming sense of official decorum will, for the present, suspend the expression of my opinion. If the law, directing the course which shall be pursued with the Navy remains unaltered, I shall proceed forthwith in its execution, according to the intention and in the spirit with which it was enacted.

The subject of reform is one which has claimed the attention and consideration of the people; and one, in my opinion, of general as well as vital importance to the country. A judicious system of economy now adopted may be of advantage for the future. It must be beneficial, if its provisions are not violated. The time when retrenchment was necessary and important and would have prevented our present calamities, has gone by. Whether the precautionary measures adopted by legislation have been executed or not is for the Congress to determine. Reform it would seem, is intended for the remedy of evils which have existed - the greatest of which is the unnecessary expenditure of the public resources.

To prevent this for the future, if it has already been the case, is not only the duty of the legislature but of the Executive, so far as the Executive may have delegated to him the power. The constitution provides that certain means should be placed within his control to enable him to exercise all his legitimate powers. Amongst these are the services of certain officers, such as are necessary for the collection, safe-keeping and disbursement of the treasure of the country. These, also, are to be responsible and accountable to the Executive for the trusts delegated to them. If their trusts are violated, they are amenable to the laws and accountable to the Executive. He is responsible to the nation; and if the means necessary are placed in his power and he does not employ them to the advancement of the public good or should use them for purposes not contemplated by law, he is answerable for their perversion. I would respectfully suggest to the Honorable Congress, that I desire to exercise no privilege or power but that which is delegated to me by the constitution or accorded to me by the Congress under the sanction of that instrument. I do, at the same time, solicit from your Honorable Bodies, as the representatives of the nation, such provision and assistance as has heretofore been deemed indispensable to the administration of the government. The same facilities will be required by the present Executive that were accorded to his predecessor during the first two years of his administration. Indeed there is reason - pressing reason, why those facilities should not be diminished. The accumulation of business in the offices, and a derangement which has been consequent upon the consolidation of several departments during the last Congress and the unsettled state of some bureaux for years past, overwhelm the officers now in service with a task which they are totally unable to perform.

The objects of retrenchment should be to dispense with all the unnecessary officers and to retain those only which are necessary to the speedy and accurate transaction of business. Persons who have public business to transact in the offices will otherwise be detained at the seat of government at great individual expense and detriment, for weeks and months. That there should be a responsible head to each department of the government; agreeably to its first organization, to my mind is clear and decided; and that they should receive a just and liberal compensation is beyond all question. Men of capacity and character cannot afford to bestow their time and incur the responsibilities of office without an adequate reward. With such men employed, the government has a right to expect beneficial results. If adequate salaries are not given to them to command their services, the consequence will be that necessity will compel the selection of such men to fill those high places, as will bring into the government neither capacity, character nor responsibility. If those aids, which I regard as indispensable are furnished the Executive in the administration of the government, he, at all times, will be prepared and willing to meet his responsibilities to the nation. If they are within his control he will be answerable for their employment. He will be able to hold the subordinates of his administration accountable, and to establish the strictest accountability in the offices of the various departments. Without these aids, so necessary to the existence of the government, many important duties must be neglected.

The people hope much and expect much in our present calamitous condition. Should the Executive not receive the necessary support from Congress, their hopes as well as expectations must be disappointed. The coöperation of Congress, with the aid of the Judiciary, will be necessary to their accomplishment. With this assistance afforded, I will always be proud and happy to respond to the requisitions of my countrymen. If the power is given to me, and I do not exercise it with fidelity and ability in the promotion of the best interests of the nation, I will never assume the plea of incapacity; for I would feel after the confidence expressed by my countrymen, in my capacity and patriotism, that I should be accountable for the motives of my heart as well as the exercise of my intellectual faculties.

In the promotion of the prosperity and glory of my country, every energy of my mind shall be employed; and to extricate our fair land from the misfortunes which overshadow its present prospects, my exertions shall be continued; with a fervent and devout invocation to the God who buildeth up nations that the clouds which now lower upon our destiny may be dispelled and that His wisdom may direct us in the path of glory and honor, and that the people of this nation may be established in virtue, prosperity and happiness.

Executive Department,
City of Austin, December 22d, 1841.

The President requests Francis R. Lubbock, Esquire, at his earliest convenience to take charge and proceed in the organization and performance of the duties of the office of Comptroller of the Republic of Texas conformably to law.

I have the honor to be, very respectfully, his obedient servant,

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/Secret./

Executive Department,
City of Austin, December 23d, 1841.

To the Honorable, the Senate:

Nominations.

The Executive respectfully submits for your consideration and advisement, the following nominations, viz:

Anson Jones, Secretary of State,
George W. Hockley, Secretary of War, &c.,
George W. Terrell, Attorney General,
Asa Brigham, Treasurer,
Francis R. Lubbock, Comptroller,
Gail Borden, jr., Collector of the Port of Galveston;

and solicits their confirmation by your Honorable Body.

Executive Department,
City of Austin, December 23d, 1841.

To the Honorable, the Senate
and House of Representatives:

President communicates.

I respectfully submit to the consideration and attention of the Honorable Congress, the enclosed statements in relation to the furniture purchased by the government for the use of the Executive, showing the amount originally purchased (as far as now can be ascertained) - the date of the purchases, and the cost; also, what now remains on hand and its condition.

The present Executive has no disposition to appropriate the same to his own use, on account of its ruinous condition; and therefore would recommend to Congress its immediate sale, and that the proceeds thereof be placed in the public treasury. He can find no law regulating its disposition; and therefore refers the matter to the action of Congress.

The necessity of this communication is suggested by the fact that there are no locks to the President's house; and that what remains there is exposed to pillage, which has already commenced, as he is informed. The building itself is in a ruinous and dilapidated condition, and not in a situation to be tenanted with any degree of comfort to the occupant.

Executive Department,
City of Austin, December 27th, 1841.

To the Honorable, the House of Representatives:

Veto of bill changing the name of Charles Denny Morse

A bill has been presented for the signature of the President, purporting to have for its object a change of the name of Charles Denny Morse to Charles De Morse - but it extends so far as to legalize all the past acts of the said individual both of a public and private nature. This, to my apprehension, is clearly unconstitutional; for that instrument declares in express language, that: "no retrospective or ex post facto law" shall be passed. Any law that refers to past acts must be retrospective or ex post facto.

Whether it would be necessary to enact any provision, other than merely to change the name, as to its future use, to De Morse, is left to the wisdom of Congress to decide. It is, however, clear, to my perception, that if the name is so changed, the object of the applicant will be fully attained, without any reference to past acts or prospective provision.

With this view of the subject, the President deems it his duty to return the bill to that branch of the Congress in which it originated, without his signature.

/Secret./

Executive Department,
City of Austin, December 28th, 1841.

To the Honorable, the Senate:

Nomination

I respectfully submit, for the advisement and consent of the Senate, the following nomination, viz:

James Reily, Minister Chargé d'Affaires to the United States of America; the confirmation of which is respectfully requested.

Executive Department,
City of Austin, December 30th, 1841.

To the Honorable, the House of Representatives:

Special Message in relation to invasion — armament — fortifications —

I avail myself of an early opportunity to lay before Congress for its consideration and action, the accompanying information, transmitted to me from the Department of War. It has some bearing on our relations with Mexico, and may be of considerable importance.

If these statements be correct, there can be no doubt that some movements against Texas are in preparation. Mexico, in my opinion (relying upon the current intelligence of the day,) has, at no time since 1836, been in a situation so favorable for annoying our country as at the present moment. If we should be invaded by Mexico, (and I now regard a demonstration as most probable,) I would recommend that Congress empower the Executive to procure, (if in our present depressed condition it be possible) as many Paixhan cannon as would be absolutely necessary for the protection of at least Galveston and Matagorda bays. A battery situated upon each of those bays, is conceived indispensable to prevent the entrance of the enemy, should they obtain the naval armament, which, it would seem, is not without reasonable probability. I regard the fortification of those two points as important to the safety of the country in the event of any movement of the enemy. They will not invade us, unless they are assured they possess decided naval superiority. In that event, we should be prepared for every annoyance which they may be capable of inflicting upon us. This recommendation is made with due regard to our financial condition. The possession of Galveston would be an object of primary importance with the enemy; and a comparatively trifling expense would be sufficient to render any attempt of the kind fruitless.

disbursing officers —

On the subject of the naval agency I would make one remark; and that is, that I have always regarded, and do still regard the duties of executive and disbursing officers directly opposite in their character; and whenever amalgamated, they are calculated to produce confusion. They cease to operate as checks upon each other, and present every inducement to the individual so employed, to practise fraud and peculation upon the government to an amount much greater than would pay salaries to proper officers necessarily employed, who would operate as checks upon each other. The practice and experience of all governments go clearly to demonstrate these facts; and it is no matter whether they are monarchical or republican.

steamship Zavala, and conversions with Yucatan.

In relation to the proposition to fit out the Zavala by Yucatan, I would most especially recommend that we have nothing further to do with that state, as I regard it in no other light than as the theatre of insurrectionary movements, stimulated by motives of personal policy, and terminating in short lived and bloodless revolutions — the ulterior designs of which when developed, we may have ample reason to regret. I regard all foreign alliances as wholly unnecessary to the prosperity of the Texian nation.

The other suggestions of the communication from the Department of War, are presented in a manner sufficiently explicit to supersede the necessity of any further remark from the Executive.

Executive Department,
City of Austin, December 30th, 1841.

To the Honorable, the Senate
and House of Representatives:

With sensations of deepest mortification and regret, I am constrained to lay before the Congress the communication from the Department of State transmitting a letter from George S. McIntosh, Esquire, our Chargé d'Affaires at Paris. It will be perceived that his wants are pressing. His own character and that of his country are involved in his embarrassments. The Executive has no means of relieving his necessities, and therefore respectfully, but earnestly invokes the earliest attention of Congress to some adequate provision in the premises.

Special Message in relation to p[illegible] of Chargé d'Affaires in France.

Executive Department,
City of Austin, December 31st, 1841.

To the Honorable, the House of Representatives:

I regret the necessity which imposes on me the duty of returning to the House of Representatives, without my signature, and with my objections thereto, a bill for the relief of Thomas H. O'S. Addicks. The question involved in the passage of the bill, so far as regards the quantity of land proposed to be granted, would, of itself, meet no objection. But the singularly broad and general authority given the beneficiary of the bill to have his location and survey made upon "any lands" which he might "designate or point out," whether they be vacant or not, is conceived by me to be not only dangerous in principle but opening the way to a direct interference with rights already acquired by others, out of which expensive litigation would necessarily arise.

Veto of bill for relief of Thos. H. Addicks.

Executive Department,
City of Austin, December 31st, 1841.

To the Honorable, the Senate,
and House of Representatives:

I herewith respectfully transmit a statement of the amount due one Sergeant and five Privates, for services at the Austin Arsenal, from 1st October to 23d December, 1841, inclusive; amounting in the whole to three hundred and eighty four dollars and sixty one cents; for the payment of which there is no appropriation. The men who have been employed are in indigent circumstances and stand greatly in need of their pay. I therefore request that early provision be made for their relief.

Special Message in relation to amount of men at Arsenal.

Executive Department
City of Austin, December 30th 1841.

To the Honorable the Senate
and House of Representatives

I transmit herewith to the Congress, a statement of the fiscal condition of the General Post Office, which will, also, show the estimated amount of specie necessary to pay the expenses of the Post Office, until the 1st January, 1842, under contracts already made.

Executive Department
City of Austin, January 1st 1842.

To the Honorable the House of Representatives

In answer to a resolution of the House of Representatives, I transmit herewith an accompanying statement from the Treasury Department exhibiting a statement of the Executive Contingent fund, for the years 1838 and 1841, showing what has been expended. As soon as a statement of the expenditures of the fund for 1839 shall be made out, it will be laid before your Honorable Body.

Executive Department
City of Austin, January 3d, 1842.

To the Honorable, the House of Representatives

I have to request to be furnished with the papers and evidences of specie in possession of the House, on which the joint resolutions for the relief of Elijah Bennett and Jarret Menefee are predicated, that I may thus obtain the information necessary for my correct action. The papers, &c., will be returned to the House.

Executive Department
City of Austin, January 4th, 1842.

The Acting Secretary of the Treasury will, in the settlement of any accounts against the Republic, instruct the Auditor and Comptroller to issue a certificate in the forms annexed, reducing the amount claimed to par funds. The forms enclosed will be the only certificates issued for the settlement of claims against the government, until further order.

FORM I.

"No. Auditor's Certificate. $

This is to certify that, on settlement of the accounts of _____ for _____ that there is due, by the Republic of Texas, to _____ or the bearer hereof, _____ dollars.

Treasury Department, Austin, _____ 18__.

_____ Auditor. _____ Comptroller."

FORM II.

"No. Treasury Warrant. $

APPROPRIATION, No.

The Treasurer of the Republic of Texas will pay to the order of _____ _____ dollars, out of any money appropriated by act of _____ 18__, for _____

this amount being for _____

Treasury Department, Austin _____ 18__

_____ Auditor. _____ Comptroller."

Executive Department,
City of Austin, January 4th, 1842.

To the Honorable, the House of Representatives:

In compliance with the request of your Honorable Body, conveyed in a resolution of the 3d instant, I herewith transmit an inventory of the furniture of the Steamer Zavala when purchased, and of what now remains on hand; from which it will appear that there has been almost a total loss of the large supply of valuable furniture belonging to that vessel. This is, however, but another example of the universal destruction of public property through a long course of shameful abuses practised upon an impoverished people by agents of the government. How long this disastrous course of official dereliction, fraud and peculation is to continue, your Honorable Body can determine.

Special Message in relation to the steamship Zavala, &c.

I ask for the means of establishing and enforcing accountability. If I am denied the power of arresting existing evils, and millions be squandered to save a few hundreds, I must be acquitted to the country as I shall ever be to my conscience of all participation in the resulting injury.

Information says that the costly and splendid furniture of the Zavala is distributed to various families and friends of official functionaries. But who is to account for this disgraceful waste? The law combines in the same individual the duties of Naval agent to purchase, Naval storekeeper to take care of, and Commodore to appropriate and use the public funds for Naval service: a law well adapted to the encouragement of fraud and the ruin of the nation, because it prevents the possibility of detecting official peculation and delinquency.

Executive Department
City of Austin January [illegible] 1842

To the Honorable the Senate
and House of Representatives

In compliance with communications from the [illegible] Department
and inspect certain information which I conceive of much of much importance
in matters appertaining to the government, I have therefore submitted for the consideration and action of the Congress from Bigpeaf with a sincere hope that whatever obstacles exist to the proper transaction of
business may be removed and whatever checks are wanting to the
security of the public moneys may be supplied by your Honorable Bodies

Executive Department,
City of Austin, January 6th, 1842.

To the Honorable, the House of Representatives:

Special Message

I herewith transmit a communication from the Department of War, with accompanying documents, to which the attention of your Honorable Body is respectfully invited in relation to existing plan for the country. The observations of the Secretary of War embrace recommendations of deep importance to the public frontier protection business, and to prevent the great losses now likely to ensue.

I am convinced that the law "to encourage frontier protection," has signally failed to achieve the object of its enactment. It seems to have been inefficient and is certainly enormously expensive. No reports are made to the War Department of the operations of the companies acting under its provisions; consequently but little information can be obtained of the state of the frontiers, or the services rendered the country. In this way, too, frauds are liable to be practised upon the Treasury.

Executive Department,
City of Austin, January 7th, 1842.

To the Honorable, the House of Representatives:

Special Message transmitting correspondence with Naval Bureau.

In compliance with a resolution of the 1st instant, the Executive here with transmits to your Honorable Body, a copy of the correspondence on file in the Naval Bureau, between the late Head of the Navy Department and A. C. Hinton Esquire, late Commander of the Steamship Zavala.

No authority exists for the employment of clerks for the performance of extra labor; and hence the delay which has ensued in preparing the accompanying information. Whilst the clerk of the Naval Bureau was engaged in making out the transcript, a clerk of another Department was detailed to perform the regular duties of that Bureau.

Executive Department,
City of Austin, January 8th, 1842.

To the Honorable, the House of Representatives:

Special Message

In compliance with a resolution of your Honorable Body, of the 1st instant, I herewith transmit a communication from the Treasury Department exhibiting a list of defaulters to the government, as far as can be at present ascertained. The Congress will perceive from the statements of the several officers, the reasons why full and accurate returns of all defalcations, by persons who have had public money in charge, are not reported.

Executive Department
City of Austin, January [illegible] 1842.

To the Honorable the Senate
[illegible]

Executive Department
City of Austin January [illegible] 1842.

To the Honorable the House of Representatives
The attention of your honorable Body is respectfully invited to the accompanying communication from the Department of State, enclosing a statement from [illegible]
[illegible]

Executive Department
City of Austin, January [illegible] 1842.

To the Honorable, the House of Representatives.

The bill "for the relief of Captain Thomas [illegible] B. Green and his company [illegible] County Rangers, organized by request of His Excellency the President of the Republic on the 22d day of February, 1840," has received my attentive examination. — With every disposition to favor the action of Congress and to extend due indulgence to individual citizens, consistent with a due regard to the general weal, I regret to say, I have not found the bill before me, upon justice and policy entitled to my sanction.

Whatever may be the merits of Captain Green's claims for compensation (to which I perceive no objection), the fact that Colonel Moore's command obtained a large amount of spoil from the enemy, consisting of many hundred horses, &c. which was not turned over to the government, but appropriated to their own individual use, and probably quite an equivalent for their services, induces me to return the bill to the House in which it originated, without my signature.

Executive Department,
City of Austin, January 12t., 1842.

To the Honorable, the House of Representatives:

I herewith return to the House of Representatives, in which it originated, a bill entitled, "an act to authorize the Commissioner of the General Land Office to issue patents in certain cases." There are two objections to this bill, which influence me, as the Executive of the Republic, to withold my official sanction. The first is, that the second section of the bill provides "that the tribunal herein created, shall grant to appellants of the District Court", &c., and upon looking through the whole bill, I find no tribunal therein created for any such purpose. The second reason is, that the bill provides no check against frauds which may be committed upon the law; nor is there anything in it which would prevent the same individual from procuring a certificate in every county in the Republic.

Executive Department,
City of Austin, January 12t., 1842.

To the Honorable, the House of Representatives:

I herewith return to the House of Representatives, (it being the branch of Congress in which they originated), the following bills, viz: a bill "to organize a part of the counties of Robertson and Milam, for judicial and other purposes;" a bill "to organize the southern part of Milam County, for judicial and other purposes;" a bill "to lay out and organize the county of La Baca;" a bill "to organize a part of the counties of Jefferson and Jasper for judicial and other purposes;" a bill "to lay out and organize the county of Guadalupe;" and a bill "to give to the judicial counties of this Republic the same quantity of land allowed to other counties for school purposes," &c., with my reasons for witholding my official signature from them.

I lament as much as the persons interested in the proposed counties can do, the necessity which compels me to interpose a veto between the convenience of a large number of my fellow citizens and the legislative enactments of their representatives. Impelled, however, by an imperious sense of the obligation I have taken upon myself, to support the constitution of the Republic I cannot, consistently with my interpretation of that instrument, give my sanction to bills of the character of those now before me.

To those who have been observers of my course, whilst a representative of the people, in Congress, it is needless for me to say that I have, at all times, declared my solemn conviction that such legislation is in direct contravention of the constitution.

The 5t. section of the 1st. article of the constitution provides, in language not subject to misconstruction, that "each county shall be entitled to at least one representative" in the lower branch of the Congress. The bills before me, laying off the territory proposed to be organized into "judicial counties," denies this right to separate representation in express terms. Here then is a direct conflict between the fundamental law of the Republic and a legislative enactment -- and inasmuch as both cannot stand, I am compelled, although I do it with extreme reluctance, to withold my approval.

The authority of Congress to donate lands to judicial counties, being necessarily dependent upon the power to create such counties, if there is found no warrant in the constitution to authorize the organization

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Executive Department
City of Austin, January [illegible] 1842.

To Charles Fenner, Esq., Auditor, &c.

Sir You will audit the claims of John A. Nixon, David Morgan, Philip [illegible], Thomas Hudson, Thomas Turley, Riley Jackson and Benjamin Wright for services in trying to obtain a treaty with the Indians of the Lipan tribe before the Committee on Indian Affairs of the House of Representatives, at three dollars per diem, and no more.

Recd. /

Executive Department,
City of Austin, January 15th 1842.

To the Honorable, the Senate.

I respectfully submit for the advice and consent of your Honorable Body, the following nominations, viz:

Peter W. Gray, District Attorney for first judicial district.
Peter McGwat, " " second " " "
J. M. Ogden, " " third " " "
G. W. Peterson, " " fourth " " "
R. J. Wheeler, " " fifth " " "
Henry W. Sublett " " sixth " " "
Sefo Benton, " " seventh " " "

John Barnes, Consul at London, vice Arthur Ikin, removed:
Edward Hutawa, Consul at St. Louis, United States of America:
Thompson A. McMahan, Notary Public, Fort Bend County:
George W. Scott, Notary Public, Shelby county;
Ammon Underwood, " Brazoria County, vice R. M. Forbes, elected to Congress:
B. F. Clement, " Velasco, Brazoria Co., vice Peter McGreal appt. Dist. Atty.

Executive Department,
City of Austin, January 19th, 1842.

To the Honorable, the Senate
and House of Representatives.

Special Message transmitting resignation.

I have the honor to lay before the Congress, the resignation of the Honorable Lorin M. Hansford, as Judge of the Seventh Judicial District, of the Republic, this day received and accepted.

Executive Department,
City of Austin, January 20th, 1842.

To the Honorable, the House of Representatives:

Veto of bill requiring Auditor to audit certain claims, &c.

The bill "requiring the Auditor to audit certain claims therein named" has been laid before me. I have examined its provisions, and have arrived at the conclusion, that its passage might greatly injure the public interests.

If William N. Mock, Quarter Master of Militia, kept a correct account of his disbursements and transactions, the Executor or administrator of his estate would be able to make the necessary returns to the office of the Quarter Master. To pass the bill, would at once render inoperative every salutary check that may have been imposed on him, as a public officer, by the laws under which he acted. However fraudulent and unjust may have been his acts - however reprehensible and illegal his proceedings - however unnecessary and extravagant his expenditures, the proposed law would cure every defect.

It provides moreover, for the acknowledgment of accounts without first knowing what those accounts are; and deprives the accounting office of the means of ascertaining when all the liabilities created through his agency were satisfied. They might continue to flow in for years; and the government be thus compelled to pay unjust claims, amounting perhaps to many thousands.

I feel it to be an unwelcome task to interpose a negative upon legislation, which many good men might esteem of slight importance; but I feel, also, that I should be recreant to my duty as Executive, and forgetful of my honor as a man, if I gave my sanction to acts which remove the barriers to fraud and throw wide open the floodgates of heedless and endless extravagance. Our country is yet poor - too poor to be profligate.

I, therefore, return the bill to your Honorable Body, without my approval.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] "Library Hall," a long [illegible] Acting President [illegible] of Squatters [illegible] various resolutions [illegible] the Independent principle [illegible] expressly [illegible] and government paper at its market [illegible] [illegible] and [illegible] committing [illegible] a long [illegible] an acknowledgment of its impossibility by Congress and Executive in cases not half so meritorious as the single one in which I have acted, in paying a pittance of a Judge's salary - a salary long due and which I was satisfied could have been paid out of the par funds in the Treasury which were thrown into the general mass of the millions squandered upon unauthorized projects and designs rejected by Congress and ruinous to the country. An excerpt of J. Antonio Navarro, stars, shows that he received as Commissioner to Santa Fe "one thousand dollars in silver." Had the means which were placed at the disposal of the Executive, by laws passed at the last session of Congress been expended equally to him, the Judges could have been paid and would not have been forced to the humiliating alternative to either receive money at less than its nominal value, and hourly depreciating - or starve. Nor would the Executive have been reduced to the necessity of adopting a course which had been unauthorized by legislative enactment in, doubtless, an hundred cases. The acts of Congress were directory, and the President obeyed them.

Could any circumstances have authorized a departure from the letter of the constitution, (which I do not admit), or a stretch of law, it would have been the situation of the Judges. They had served the country under the guarantees of law and the constitution and had not been compensated. Their rights had been violated, and they had been the victims of the veriest neglect on the part of the public functionaries, whose duty it was to have seen them compensated according to the laws which they were bound to execute.

The Executive is clear in his conviction, that nothing can change the compensation of the Judges from what it was at the commencement of their term of service, and he would avail himself of this occasion to recommend to the Honorable Congress that suitable and adequate provision be made for the support of the Judiciary Department of the government. This recommendation is predicated upon the fact that the

Judiciary forms one of the three coördinate divisions of the government, and is equal in dignity to either of the others. The different departments are intended to operate within their own appropriate spheres. They are designed as checks and balances to each other; and being distinct but conjointly presenting and sustaining our beautiful system of free and republican government. They are mutually dependent upon each other when preserved in systematic operation. Suspend either in its action, and at once the system is deranged. Embarrass the action of any one by a combination of the remaining two for that purpose, and they cease to harmonize: the whole system yields to discord, and the ends for which the structure was intended are supplied by the worst of evils – anarchy and ruin.

No one department of government is so immediately connected (under a wise constitution and laws) with the well-being of the community, as the Judiciary. The rights of the people, their peace, their property, their persons and lives, are under the conservation of the courts so long as they exist. They are to be accessible to all, and hence they become familiar to every one as a place of refuge for the innocent and where the guilty are to be punished. Thus, independent of their being regarded by every statesman as the palladium of liberty, they are looked to by every citizen as the tribunals to which he must appeal for the redress of wrongs and the protection of his rights.

To maintain an able, honest and enlightened Judiciary should be the first object of every free country; and in none can its influence be more salutary than in Texas, where discord, disorder and disobedience have raged with so much violence. The civil authorities of the country must be established and preserved, or Texas must fail in the accomplishment of national government.

Executive Department,
City of Austin, January 21st, 1842.

Special Message concerning disbursing officers, &c.

To the Honorable, the House of Representatives:

I herewith respectfully submit, for the consideration of your Honorable Body, the accompanying statement of the Auditor, in relation to the propriety of making some provision by law for supplying the dangerous defects at present existing in the system of accounting and disbursing officers of the government. The Congress will at once perceive that, for the want of the necessary aids and checks in the transaction of the public business, the country is liable to suffer losses incomparably heavier than the expense required to obviate them.

Though almost hopeless of obtaining the necessary facilities for conducting the government properly and safely, I nevertheless conceive it my duty to lay before the Congress all the information which may possibly lead to the attainment of an object so deeply affecting the public interests.

Executive Department
City of Austin, January 21st, 1842.

Special

To the Honorable the House of Representatives:

I have the pleasure to lay before your Honorable Body a report from the Honorable, the Attorney General, showing the destitute condition of his Department in a

As the business of the Department is daily increasing and of a highly import

ment character, I would respectfully recommend that an appropriation at least equal to any made at former sessions, should be made by the Honorable Congress for the purpose of enabling the Attorney General to perform the duties required of him by law.

Executive Department,
City of Austin, January 22d, 1842.

To the Honorable, the House of Representatives:

I have the honor to inform your Honorable Body, that the papers of the special message, Honorable John Hemphill, Chief Justice of the Republic; and of the Honorable E. E. Ray transmitting a list, Judge of the third judicial district have been this day received and accepted.

signature

Executive Department,
City of Austin, January 22d, 1842.

To the Honorable the Senate:

I herewith transmit for the consideration and action of your Honorable Special Message, a communication from the Department of War and Navy, in relation to the condition of the Navy, with estimates of the transportation & moneys required for the service of the present and the payment of claims which accrued during the past year.

The necessity of making some provision for the preservation of our vessels of war, is too obvious to need argument. Without suitable means afforded by the Honorable Congress for that purpose, they must inevitably go to decay and destruction. There is at present no means at the command of the Executive which might be used in giving them the proper protection; and he knows no key to the Treasury other than the law of the land. If suitable provision be not made at the present session of Congress, we may assuredly calculate upon hundreds of thousands of dollars of loss.

I thus earnestly invite the attention of your Honorable Body to the subject, under the deep conviction of the importance of the matter involved: and having done so, I shall feel in the event of a failure on the part of the Congress to make the requisite appropriations, that my duty has been discharged to the country.

I avail myself, also, of this occasion to suggest to the Senate the great necessity of authorizing the appointment of a Naval agent and a Naval storekeeper. The blending together of the duties properly belonging to two or more officers, as is the case at present, removes every safeguard to the proper application of the public funds. No check exists, and thousands, over and above what would be required to supply the necessary officers, are liable to be illegally and fraudulently disbursed, without the possibility of detection.

Executive Department,
City of Austin, January 22d., 1842.

To the Honorable, the House of Representatives:

In compliance with a resolution of your Honorable Body, of the 19th instant, I have the honor to transmit the enclosed statement from the Auditor, in relation to the claims of sundry persons for services in bringing in the Lipan and Tancahua Indians.

Special Message in relation to the payment of certain money

The Executive order graduating and reducing the allowance for their services from six dollars in par funds per diem to three, was issued, because the resolution making provision for their payment, in the opinion of the Executive, left the discretion so to do. The resolution indicates that, at the time of its passage, the claims had been "audited according to law;" and the inference was plain that the action of the Congress was had with reference to the supposed previous action of the Auditor; which, however, was incorrect, inasmuch as the accounts have not yet been audited.

The amounts claimed by the beneficiaries of the act, were considered by the Executive as exorbitant; and such as neither custom, the services rendered, nor the circumstances of the country would justify. They were accordingly reduced to what was conceived a fair and even liberal compensation.

Executive Department,
City of Austin, January 25., 1842.

To the Honorable, the Senate:

In compliance with a resolution of your Honorable Body, of the 24th instant, I herewith transmit information from the War Department in relation to the expenditures, &c., under the law of the last session of Congress, for the protection of the frontier.

Special Message in relation to expenditures for frontier protection, &c.

It will appear from the tabular statement herewith furnished, that there is now due to various companies of "Minute Men," the sum of nine thousand three hundred and four dollars, in par funds, over and above the appropriation for their services of seventy five thousand dollars in Texas promissory notes. The longer continuance of the system, in the opinion of the Executive, will be ruinous to the country. It has proved itself exceedingly expensive. There has been every opportunity to commit fraud upon the Treasury. All control and every safeguard, properly lodged in the Department of War, have been confided to the civil officers of the country — Chief Justices of counties — who are generally but illy qualified to judge of the nature and necessity of military service; and the system generally is open to many objections, all tending to show its inefficiency, expense and impolicy.

A repeal of the law is respectfully suggested, both upon principles of economy and the hope of success in our future measures for the safety of the frontiers.

Executive Department,
City of Austin, January 26th, 1842.

To the Honorable the Senate
and House of Representatives:

I would respectfully invite the attention of Congress to the existing necessity of allowing, by law, the appointment of some individual, whose services I may be able to procure, for the purpose of affixing the President's signature to the Exchequer bills now in the course of preparation. From the press of business in the Executive office, which will continue till the adjournment of Congress, it will be impossible for the President's Private Secretary to perform the laborious duty imposed by the law as it now stands. The compensation should be such as to enable me to obtain the services of a competent and responsible person.

Special appropriating Com of land dues in relation to sign Exchequer bills.

Executive Department,
City of Austin, January 26th, 1842.

To the Honorable, the House of Representatives:

The joint resolution "authorizing the Commissioner of the General Land Office to receive audited drafts of the government, as Texas promissory notes," in payment of land dues and dues on patents, presents to me the important fact that, under its provisions the heavy expenses of the land office establishment must be defrayed from the public revenues from other sources, without yielding any material aid in its own support.

Veto of bill authorizing Com of Gen. Land Office to receive audited drafts as promissory notes.

Under the present depressed condition of the country, it would seem to be nothing more than justice that the landholder should pay at least the actual expense attending the transaction of his business in the Land Office. The citizen who owns no land should not be compelled to pay his taxes to furnish a patent to his neighbor free of cost. Large appropriations of Exchequer bills will be required to meet the wants of the office, which will remain a heavy burthen upon the currency, unless they are absorbed, as they should be, in the payment of Land Office dues. It is not intended or desired that the Office should produce any revenue over and above its expenses; but that it ought to support itself, none will deny.

Upon the success of this last effort to establish a currency depends every hope of the country. Every aid within the control of the government must be invoked to sustain it. The public exigencies require a scrupulous regard to all means, even the smallest, to effect this object.

Induced by these considerations, and pursuing the only course of policy that will save our currency, I am compelled to return the bill to your Honorable Body, without my approval.

Executive Department,
City of Austin, January 26th, 1842

To the Honorable E. L. Stickney, Acting Secretary of the Treasury:

Sir — You will proceed at once to prepare, for the signatures of the Execu-tive and Secretary of the Treasury, Exchequer bills, of different denominations, to the amount of eighty thousand dollars; which will be made payable to, and endorsed by, James W. Scott.

Instructions to Acting Secy of Treasury.

Executive Department,
City of Austin, January 27th, 1842.

To the Honorable, the House of Representatives.

In compliance with a resolution of your Honorable Body, I herewith transmit communications from the Departments of State and War and Navy, furnishing all the correspondence and evidence in possession of the government, in relation to the alledged illegal seizure of the "Little Penn", not hitherto communicated to Congress.

Special Message transmitting correspondence in relation to seizure of the "Little Penn"

Executive Department,
City of Austin, January 27th, 1842.

To the Honorable, the House of Representatives:

I herewith respectfully return to your Honorable Body, without my approval, a bill for the relief of William Bryan. He, like many others, has advanced his thousands; and like many others, also, he must submit to the alternative which stern necessity forces upon all our creditors. The government owes to other single individuals hundreds of thousands of dollars, under the solemn obligation of written contracts, and no special provision has been made in their favor. The country could not, in justice to herself make such provision. We are at this time unable to pay our debts. We must therefore place all our creditors on the same footing and ask them to wait; not that all claims are equally meritorious, but that we are unable to pay any. We should not make distinctions and exhibit partiality by preferring the claims of one creditor to those of another of equal grade. All our just debts merit the earliest attention and, at the earliest moment in our power, should be discharged; but that period has not yet arrived. We are struggling for our very existence. Upon the acceptable character of the new currency we are striving to establish, rests the fate of the nation. If by indiscretion or otherwise we raise up obstacles to the successful action of the financial plan we have adopted, the government must dissolve. Upon its failure, this result would be inevitable. The system, therefore, must be preserved and sustained in healthy action. We occupy a position extremely critical. No consideration, therefore, amounting to the accommodation of some few individuals, should induce a departure from the only path of safety. Let our creditors for the time being yield something by way of security for full and final payment that

Veto of bill for relief of William Bryan.

freedom of action at this juncture, we may apprehend the worst consequences. Without a government, the government creditor must remain unpaid.

I make use of this opportunity to announce to the House of Representatives, that I shall protect the currency to which we are about to resort, by every means in my power. I can never sanction a diversion of the last and only reliance of the country, from the objects of absolute necessity contemplated in the passage of the law authorizing the issue of Exchequer bills. In the language of that law, they "shall be paid out for no other purpose than that of carrying out the objects of the general appropriation acts of Congress."

On the subject of sustaining the credit of our issues – although the Executive, and those who know well the actual situation of the resources of the country, may regard the basis as sufficient; yet when we take into view the difficulties attendant upon the present crisis in Texas, we must reflect that our credit and character for punctuality have sustained a serious shock, if not a total overthrow. It is now our duty, and we are compelled to adopt the alternative of making new issues based upon some principle or foundation apart from the national faith and public domain. Hence the public revenues have been pledged for the redemption of the amount of two hundred thousand dollars in Exchequer paper. To place this issue upon a basis of undoubted and solvent character, I would recommend most seriously and earnestly, that one million acres of land in the South East section of the territory lately held by the Cherokee Indians be set apart and specially reserved from all legislative action; unless so far as to render its value applicable to the redemption of the amount of two hundred thousand dollars – the extent of the issues authorized by law.

It is firmly believed by the Executive that, so soon as the same can be sectionized and brought into market, one tenth part of the amount proposed, will at any time produce a greater sum (over and above the incidental expenses of bringing it into market), than would redeem the whole amount of two hundred thousand dollars. The expense necessarily attendant upon bringing the same into market, need not exceed from five to eight thousand dollars, and perhaps a less amount – whereas the benefit resulting to the country, by sustaining the credit of our currency, would be to us almost incalculably great. Within twelve months from March next, the land could be brought into market; and should any portion of our money not be redeemed by the revenues, the land sales would at once absorb the balance. Gold and silver would flow into the country and we should find foreigners become the purchasers and owners of land in Texas. The prohibition of the constitution which now prevents foreigners from owning land in our country would be abviated, as the titles would emanate directly from the government by patent. This circumstance would bring competitors into market; and they would be numerous, when it should be known that the fairest and finest portion of Texas was to become the object of competition and purchase.

With these considerations, I return the bill without signature, believing as I do, that it would be an invasion of the avowed principle and a contradiction of the 8th section of the law fixing the basis of our finances.

Should the Honorable Congress adopt the suggestions in relation to the Cherokee country, I feel most confident that they will have a highly beneficial effect upon the credit and character of our currency, and sustain the country by producing millions to our Treasury and inducing a flood of emigration to our country.

/Secret./

Executive Department,
City of Austin, January 29th, 1842.

To the Honorable, the Senate:

I herewith respectfully submit for the advice and consent of your Honorable Body, the nominations of William Henry Daingerfield, for Secretary of the Treasury of the Republic; and of P. Edmunds, for Consul of the Republic at New Orleans, United States of America. Nominations.

Executive Department,
City of Austin, January 31st, 1842.

To the Honorable, the Senate.

A joint resolution "passing a vote of thanks to Captain John G. Tod, late Commander of the Naval Station at Galveston," has been presented to the Executive for his approval and signature. Veto of bill passing vote of thanks &c

At all times it is painful for me to dissent from the Honorable Congress on any subject, and particularly so on subjects which are purely relative to the feelings of individuals, apart from the general interests of the community - and of that character I find the present resolution. I cannot therefore give it my approval.

It seems to have for its object alone, to render a mark of respect to the person in whose behalf it is passed, and not to liquidate any demand which exists between him and the government. The pecuniary matters connected with the agency of Captain Tod appear all to have been satisfactorily adjusted by the proper officer. Then the only question arising is in relation to a discharge of his duties as agent, and whether or not the government has suffered detriment or injury from any cause over which he, as agent, had a control.

The contractor with the government to furnish the vessels was bound to meet the requisitions made by the government agent, who was to superintend their building and equipment. And if he failed in this, his bonds were by the contract forfeited to the government of Texas - Nor was the agent bound to receive the vessels unless they were completed agreeably to the contract. They and their outfit were fully completed, (in the language of the agent), "to the extent of said contract by W. Dawson" as will be seen by reference to a copy of Captain Tod's attestation, marked A, and accompanying this message.

It would seem, from an official report made to the Executive at the commencement of the present session of Congress, by the Secretary of War and Navy, that blame would somewhere attach, and that the vessels were greatly defective. I refer to the copy of an extract herewith sent, and marked B, as a part of this communication.

I submit these facts to your Honorable Body, for its consideration, and without a single word of comment in relation to the origin or cause of the injury which has resulted to Texas from the defective construction of an important arm of the national defence. I would, however, remark that it is not by any means customary for agents and officers of government to receive the thanks of the nation, unless they have in a prominent degree rendered service to the country and where a pecuniary reward would fail in the expression of a nation's admiration and gratitude;

[illegible] [illegible]

[illegible] the [illegible] time [illegible] the representation of the people would be embarrassed in practice, [illegible] frequently that they would become cheap in the eyes of [illegible] and [illegible] to be an object of [illegible] friendly and honorable emulation.

Executive Department
City of Austin, January 31st, 1842.

To the Honorable the Senate of Representatives:

I have carefully considered a bill "to invest and appropriate a portion of our public domain to emigrants, approved January 11th, one thousand eight hundred and forty-one, and to extend a further donation of land to emigrants and citizens, and for purposes" which has been submitted for my sanction, and find that the first section of the act, [illegible] emigrants [illegible] the [illegible] (except that of three years' residence), increases by the act of January 11th, 1841, which which were to be performed by the emigrant before he could get a patent, and that it permits the whole amount of land granted under said act to be thrown into market and to become the object of speculation peculation and fraud. When the government extends their bounty a donation of land to emigrants and citizens arrived at lawful age, I cannot but deem this as impolitic. Our public lands are pledged. They ought to be the main support of the national credit. Their value and amount have never been ascertained; and, until these floating claims are out of the way, our land system can never be settled. Interminable confusion will prevail and litigation must continue the abiding curse of the country. Emigration will be prevented by a pervading and well founded distrust of the rights of property, and also, by a depreciation of its market value, by the policy and practice of the government in bestowing it gratuitously upon all who will receive. Thus our public domain is rendered wholly unavailable; for that on which the government places no value the emigrant and resident abroad will of course consider valueless.

Believing, therefore, that the period has arrived when every effort should be used to adjust the confusion and chaos of our land system, and that the provisions of this bill will have a directly contrary tendency, and consequently detrimental to the country, I return it to your Honorable Body without my signature.

Executive Department,
City of Austin, January 31st, 1842.

To the Honorable, the Senate:

I herewith return to your Honorable Body without my signature, [illegible] of the grant a bill "authorizing and requiring the Secretary of War and Navy to issue certificates of bounty land to the officers, seamen and marines of the Navy." I [illegible] man, &c. do so with a full appreciation of the exalted gallantry and distinguished bravery of our naval forces from the moment that our flag was first unfurled to the breeze on the bosom of the gulf down to the present hour;

But while I admit all this, with feelings of pride and pleasure, there are considerations which lead me to the conviction that to permit the bill to pass without the negative of the Executive, would be little less than a sanction of injudicious and unnecessary extravagance.

It appears, from all the information I have been able to obtain, that the policy of granting land to seamen has never before been recognized by the government even in the darkest and most trying scenes of our revolutionary distress. Indeed, Congress has repeatedly refused to pass laws upon the subject. Bounties in lands have at different times been granted to the army, but never to the navy. The reasons that must have hitherto induced this distinction exist now with increased strength. The present, less than any former period, in my opinion, will justify such a policy.

Generally, the seaman has no interest (except a transitory one) on the shore. His professional pursuits forbid that attention to the use and improvement of grants of this kind, which alone could result in benefit to either the recipient or the country. To make such grants, then, would, in a large majority of cases, be the very perfection of prodigality. The harpies that are usually found in sea-ports, and to whom seamen usually become indebted, are those only who would profit by the bounty and munificence of the government. The sailor has his bounty and prize money as incentives to enlistment and continuance in the service – none expect more – it has not been usual to give more. If, moreover, a fleet be in the vicinity of a land army, its coöperation is always supposed and it accordingly participates in the spoils of victory. If, on the other hand, the victory be achieved by the fleet, the reverse is the case – the naval corps alone enjoy the reward of success.

Again: the sailors who would have claims are either dead or scattered before the winds of Heaven. If bounty land were granted, the few who survive would deem it valueless because none of them would be willing to penetrate the wilderness in quest of a place to locate it some hundreds of miles beyond our frontiers; and rather than make the attempt they would be willing to sell it for the veriest trifle.

The heirs of deceased sailors, too, would not be benefitted by their claims. Persons would be found ready to administer upon their estates – nay, even make a business of it, as has been done in numberless cases in the army – draw the bounty land and back pay, and finally defraud the legal heirs, should they ever come forward to claim the promised bounty.

Aside from the foregoing facts, the provisions of the bill would, in my opinion, be exceedingly impolitic; because their effect would certainly be to open a broad field for fraud and deception upon the government, and our land system be involved in still greater confusion and difficulty than at present so unfortunately exist. The period has arrived when the government should no longer add cause and encouragement to litigation, but rather seek to adjust and ascertain its true condition, and the best mode of rendering our remaining resources available.

This can never be done, while millions of acres of our public domain are from year to year converted into land certificates and distributed gratuitously to all who have been in the public service. We will need our public domain; and if it be properly managed we may yet hope to realize some advantage from its sale and settlement. By lavish and unnecessary donations of this kind, the value of this branch of our resources is greatly diminished – indeed, I might say almost destroyed.

Executive Department,
City of Austin, January 31st, 1842.

To the Honorable, the House of Representatives:

Influenced by an abiding conviction of the unconstitutionality of laws organizing counties for judicial purposes, founded upon reasons heretofore communicated to your Honorable Body, I am compelled to withold my approval and signature from the bill "to organize the county of DeWitt for judicial purposes;" and also the bill "to divide the counties of Montgomery and Houston and create the counties of Madison and Hamilton, for judicial and other purposes."

Veto of bills establishing "judicial counties"

Executive Department,
City of Austin, February 1st, 1842.

To the Honorable, the House of Representatives:

Impressed as I am with a sense of duty and the true situation of the country, I cannot yield my assent to the bill "to amend an act to define the boundaries of the Republic of Texas." I trust your Honorable Body will bear with me, while I assign my reasons for the course which I feel compelled to adopt.

Veto of bill amending the act defining the boundaries of the Republic.

Texas has heretofore declared by the law of 1836, that her limits should be bounded on the West by the principal stream of the Rio Grande to its source, thence due North to the forty second degree of latitude and the boundary line of the United States. This formed our limits with Mexico; and agreeably to this we have been recognized as independent by the United States, and also by those European governments with which we have established relations. From these facts, it seems to me that until Texas has it in her power to exercise jurisdiction, it can be of no possible advantage to her, that she should assert any claim which would subject her to derision, or evince a wish to extend her claim to territory by mere assumption of a right, which she might not be able to enforce. The recognized limits of Texas are greater than either her population or resources will enable her at this time to occupy.

To extend our limits according to the provisions of the bill, would embrace a region of country larger than the United States, of the North, and include two thirds of the territory of the Republic of Mexico. It would take in portions of the states of Tamaulipas, Coahuila, Durango, Sinaloa, and all of Chihuahua, New Mexico, Sonora, and Upper and Lower California. It is also but reasonable to calculate, that the inhabitants of those vast regions would not number less than two millions. It would then appear curious to nations in amity with us, that a people destitute of means to meet their most pressing wants, and numbering less than one hundred thousand, should assume, by a declaratory law, that they have a right to govern a country possessing a population of more than thirty to one. Thus far I am inclined to believe other nations would regard the measure as visionary — or as a legislative jest — inasmuch as it would assume a right which it is utterly impossible to exercise.

But other considerations of a most grave and solemn character impress themselves on my mind. The mediation of England has been invoked between the governments of Texas and Mexico — the exercise of

which has only been delayed in consequence of a want of the ratification and exchange of treaties. This difficulty will, however, soon cease to exist. So soon as the exchange of ratifications can take place at London, there can be no doubt but that the British Minister at Mexico will be authorized to interpose in behalf of Texas; and unless some obstacle should intervene we may, at no very distant period, anticipate the most favorable result from the mediation of that power in our favor. Should the present measure, however, be adopted, and a proposition be submitted to the Mexican government, we cannot expect that this extraordinary assumption of right by Texas will be overlooked in the negotiation, but would present an insuperable barrier, not only to our recognition by Mexico, but would annihilate every hope of an amicable adjustment of our differences. The British Minister would not be authorized to enter into any arrangement, but such as would present Texas with the limits avowed at the time of her recognition and declared by the law, approved 19th December, 1836.

The promulgation of this bill, if it were to become a law, would suspend all action on the part of Great Britain. To assume a right which we cannot exercise, would only work evil and could produce no salutary result. It would be useless in itself. Indeed, a proposition of this character is calculated to irritate and arouse the indignation of every man within the limits of Mexico. And whilst we would thus pursue phantoms as profitless as the pursuit is dangerous, our character for policy, sagacity and forecast would suffer serious detriment.

I need not assure your Honorable Body of the ardent desire which I entertain for peace and friendly intercourse with all nations. So long as we are not on amicable terms with Mexico, so long we will suffer hindrance to our prosperity. The constant cry of invasion will be sounded, not only throughout Texas, but throughout all nations to whom we are known; and while this is the case, we may feel confident that emigration will be impeded, if not entirely prevented. From this source we are to draw both population and wealth; and no matter how desirable our soil and climate might be to foreigners, nor how great their anxiety to make our country their home, it could certainly be no additional inducement to families, that Texas should remain in hostile relations with Mexico; which might and would at all times, render their situation one of unpleasant excitement, if not of danger.

We may regard Mexicans as we may think proper; but still they are men and entertain ideas of nationality and some sense of shame and injury. If then they do, the present project must have a powerful influence upon them. Indignity always inspires feelings of revenge. The very thought of suffering a partition of their country, will give them adhesion - and union may render them more formidable than we have found them in times past. It will at all events, arouse their energies, incite them to the last effort, inflict great annoyance upon us, and withdraw the attention of our citizens from the pursuits and profits of husbandry.

Texas only requires peace to make her truly prosperous and respectable. Peace will bring with it every advantage. All that is needful to secure individual wealth is well directed industry - and the policy that will permit the farmer and the mechanic to employ their labor in peace, is the only policy that can establish and improve our country. Without peace, labor and industry, we must, with all the boundless natural advantages of Texas, remain comparatively poor and embarrassed.

The present moment is, to my apprehension, the most unfortunate of all others, for the awakening of this subject. Our fellow citizens taken at Santa Fe', if they still survive, are prisoners in the city of Mexico, at the mercy of Mexicans. Every possible means at my command

has been employed to obtain their release and restoration to their friends and country. Should the proposed project reach the Mexican capital, in the character of a legislative act, no earthly interposition can insure their liberation; and I should deem it the most probable of all other events, that they would be executed by order of the authorities of the country — and should they even escape this, I would apprehend their destruction by the populace. In a country like Mexico, demagogues are never wanting to excite the fury and stimulate the bad passions of those, to whose favor they seek to commend themselves. I am therefore satisfied, that if any measure could produce injury to Texas, and endanger the lives, of our noble, generous and brave fellow citizens, whose cruel captivity we now deplore, it would be the passage of this bill. Surely their circumstances invoke of the Honorable Congress calm and careful deliberation.

Executive Department,
City of Austin, February 1st, 1842.

Instructions to Indian Agent.

To Col. L. B. Franks:

Sir — You are hereby appointed to take charge of the Lipan and Tancahua tribes of Indians; and you will attend to the maintenance of peace between them and the citizens of the Republic. You will remain with them in person as much as may be in your power.

You will ascertain, so far as you may deem prudent or beneficial to our frontier safety, the disposition and wishes of the various tribes of Indians towards a peace with us; as well as the causes which have occasioned and continue to stimulate their hostility to the Texians.

When you can obtain any information, which you regard as important to be known, you will report the same to the Executive, with the least possible delay.

You will remain with the Indians as much as possible, or have some other person with them.

Whenever they may remove from one section of the country to another, you will, whenever you can, advise the citizens on the frontier of the fact — and in all cases, some white man, in whom you can have confidence, must accompany them.

Stimulate them to guard against and watch those Indians, who are in the habit of annoying our frontier settlements by murdering men and stealing horses.

If the friendly Indians succeed in breaking up those piratical parties, I will reward the braves with handsome presents.

If they take any horses belonging to the whites and restore them to the owners, I will reward them for their bravery and fidelity.

You will act in all things, so as to render all possible protection and benefit to the frontier inhabitants of Texas, and to secure peace and safety to the Indians.

If we have prisoners now in the possession of the hostile Indians, you will, if possible, procure their restoration, and advise me of any plan which may suggest itself to you, for the accomplishment of an object so desirable to humanity.

You will receive as compensation for your services, the sum of five hundred dollars; and Mr. Joseph Taylor will receive two hundred and forty dollars.

You will report to the President as often as possible. In his absence, you will report to the Secretary of War.

I am, with great respect, your obedient servt.,

Executive Department,
City of Austin, February 1st, 1842.

To the Honorable, the Senate:

I herewith return to your Honorable Body, without my signature, a bill "to lay out and organize a part of the county of Nacogdoches for judicial and other purposes." My opinions upon the unconstitutionality of erecting counties for judicial purposes, alone, have, on a former occasion, been expressed to the Congress. I will, therefore, be excused from repeating them.

Veto of bill establishing a "judicial county."

Executive Department,
City of Austin, February 2d, 1842.

To the Honorable, the House of Representatives:

I herewith transmit to your Honorable Body, a statement from the Department of War and Navy, exhibiting the amount of lead now on hand at the Austin Arsenal, from which our almost utter destitution of the means of defence, will be apparent. The Congress will perceive the necessity of making some adequate provision for supplying the wants of the government on this subject. Nothing could be more disheartening than a knowledge of this fact, were it known to the community at large and to other countries.

Special Message in relation to public military stores &c.

Executive Department,
City of Austin, February 2d, 1842.

To the Honorable, the House of Representatives:

The bill "for the protection of the Northern and Western frontier, by the establishment of a line of Military Colonies along the same," has been presented to the Executive, and he trusts that the attention which has been bestowed upon the subject, will at least entitle his views to that consideration which is always expected from an enlightened and patriotic assembly, representing a nation of freemen.

Veto of bill "for protection of the frontiers &c."

From the caption of the bill, it would appear to be intended

as a provision for the defence of our extensive frontier. From my experience and from the fact of having had my attention called, for years, to the subject of frontier protection, I cannot believe that the object in view can be attained by the proposed system. My views relative to this subject have been presented to Congress, and my conviction of their validity has undergone no change - but, on the contrary, received additional confirmation.

The bill contemplates the location of sixteen posts, or military colonies, at a distance from our present frontier, so as to extend our settlements; but to my apprehension, only to render our frontier less secure than it is at present. Each settlement or post, will require more aid to defend it, than if the line of settlements were to remain as it now stands. They would be advanced so far beyond the reach of aid or succor, that, in case of attack, destruction would be the consequence. They would, also, be too remote from each other, to render either timely or efficient mutual assistance. Each post would be liable to be surrounded, and no opportunity would be afforded of sending an express for help. The enemy would have it in their power to cut off any messenger who might be sent alone; and if the colonists were pressed hard, sufficient force could not be spared from the command, to ensure the safety of the bearer of intelligence. The present settlers of the frontier, so far from receiving protection from the posts, would have to render the posts protection and sustain the colonists. If a call were to be made upon the Secretary of War, several days must elapse before he could receive intelligence, even though it should not be intercepted; and when it should arrive he would have no force at his disposal. Were he to make a call upon the militia, weeks must pass away, before relief could reach the point of destination.

The state of things incident to this system of defence does seem to me not calculated to ensure the object proposed, nor one that could be desirable to the patriotic people of Texas.

It is moreover not in the power or the means of the government to furnish the supplies of ordnance, arms or ammunition that would be required by the bill. Seven hundred pounds of lead is all that is reported in the arsenal. But apart from this, there is no provision made to subsist the colonists. For the first year they would require supplies, and their procurement must be attended with great danger and expense; and they must be drawn from the frontiers, where a scarcity of supplies will generally exist. Without these supplies the colonists would become discouraged, and all the posts abandoned or destroyed.

The fact that land could be acquired would induce a general feeling of speculation and the men, instead of acting the part and performing the duties of soldiers, would only care about land. The plan of extending our posts, not to be defended by soldiers alone, but men women and children, would carry with it many incumbrances, without the facilities necessary to a proper defence of their position. Until such time as the forts or block-houses could be erected, the women and children would be exposed to the frequent and sudden attacks of the Indians. The fact that the posts would be located within the hunting grounds of the Indians, would have a tendency to inspire them with the most determined hostility, and it might be expected to call forth, from one end of our frontiers to the other, incessant inroads upon the colonists. That the Indians would be enabled to steal all their horses and stock, there can be no doubt; and I am compelled to state, most frankly, that if it were practicable to carry the bill into

operation, (which I do not think could be done), it would produce a greater waste of human life than is to be apprehended from our present situation, and I am convinced we can easily, and with a comparatively trifling expense, be relieved from the evils that now exist and menace us in our present exposed condition.

Another objection which presents itself to my mind is that it will be disposing of a large portion of our public domain, which may soon be rendered available and advantageous to Texas. Prodigality of our public land has characterised our legislation; and so long as we indulge in bestowing our lands without price, so long will they be regarded by foreigners as valueless. And though they are really of very great value, and by a cautious and prudent policy would soon extricate us from all our involvements, we do not seem to regard the advantage as within our control.

The power to condemn the lands of individuals, wherever a commandant may choose to locate a post or colony, does seem to me impolitic if not oppressive. The owner or owners are drawn into court and made parties to suit, without their consent, or perhaps made to suffer serious damage. The amount of damage to individuals by the condemnation of land – or the price per acre – is not stipulated in the bill; when it is a fact generally acknowledged that whatever is taken from the government and awarded to individuals is regarded as "well enough"; – and the community not being represented by a person, cannot meet the appeals which are liable to be made to the feelings of men who have to make the decision between a neighbor or a friend and the government. No one can calculate the amount that would be required to pay for the lands, which it may be thought proper, by the commanders of posts to condemn. That the posts will be located upon lands of fine quality and in choice places, I presume will be admitted. Then the present plan, if adopted, would have a tendency to involve Texas still deeper in debt and cause a continuance of the imputation of national faith disregarded. And if land were to be given in double quantity for the amount condemned, it would be a great waste of the public resources. The amount of land granted by the bill, if the colonists should all be single men, would be one million, two hundred and twenty three thousand sixty hundred and eighty acres; and if married men, two millions seven hundred and twenty five thousand eight hundred and eighty eight acres. It is fair to suppose that at least one half of the amount of land proposed has been located already with a view to future settlement. Then no one can suppose, if it were condemned, that it would cost the nation less than one million of dollars! – which would be added to our existing embarrassments. And if land were granted in quantity as proposed, millions would be required to satisfy the demands in favor of present owners. These facts, to my mind, are of very serious import; and I am satisfied that no corresponding benefit to the country could possibly result. Years would roll by, and Indian wars would rage, not only with the colonists, but would extend to our present frontier.

Stations, placed from forty to an hundred miles from our general frontier, could render it no assistance or protection. The Indians could at any time pass through the line of posts, and without hindrance attack wherever they chose, any part of the frontier, murder our people, steal our property and return to the prairies without those stationed at the posts having any knowledge of their incursions.

If peace is not established with the Indians, and a con-

ence continued on. We will continue to carry out our views. The hatchery has been established and natives incorporated in regard to the settlement of America. It has also been decided by the United States and continued with general success by the Lord Stanhope family, and Mr. Austin, has not the policy been pursued, by the first settlers, as it was held at this day, long before a fine population than it does - if white it has not remained a wilderness.

The amount stated, mayhap, to be required seems to a trading and not exceed a sum of twenty thousand dollars for the first year, due to be diminished each succeeding year.

As soon as we could come to terms with the Indians of the prairie, and establish with them a trade we could not stand an idle spectator. We could furnish them with a market for their horses and mules, which they obtain in vast numbers on the Rio Grande and by which they have no market within a short distance, but Red River. We could also from us in return satisfy to supply their wants; we would soon learn to regard us as valuable friends, because from us they would receive comfort and support not thereto receipts to them. We as external beings, we would perceive at once that a peaceful intercourse maintained with Indians would be of great advantage to them than all the horses they could deprive us of, by their incursions made upon our frontier, with hazard to them as well as injury to our population. The fact of their maintenance of peace with Coffee, at his trading house, established on Red River, remote from all settlements, cannot but be regarded as evidence that the Indians are either controlled by a sense of treaty obligations, so that interest produces a result equally desirable.

The policy of "extermination" in 1838 was so proved so perfect a failure, that I presume it will find but few advocates, who have perceived the disasters and expense incident to the attempt, since the declaration was made. One million of money would not meet the debt incurred by it.

The loss of life as well as our people now prisoners among the Indians, are conclusive to my mind, that no other course than that I recommend, even though we had millions of money to expend, would prove useful in the attainment of peace and security to our frontier inhabitants. By keeping up hostilities, Texas will gain nothing. By peace, we can realize the most desirable advantages. If we now obtain prisoners from the Indians, it is through the influence and mediation of Col. Coffee. Were we to make peace with them, we would be enabled to obtain the prisoners now in their possession — and the maintenance of peace on our part would prevent them from any further aggression. We could restore some twenty prisoners which we hold of the Comanche and other tribes, and receive in exchange our people, whom they hold in the most cruel and unhappy bondage. If however we adhere to the avowed policy of "extermination", we may at once surrender all hope of their release and restoration to the embraces of their families and kindred.

I feel confident in the success of the policy which I recommend, and were I not to urge it upon the representatives of the nation, I would feel that I was delinquent in the discharge of my duty to my country and to humanity. Were I not to use every endeavor within my power to ensure the future safety of our exposed frontier and obtain the release of our people, who have been for years pri-

soners among the various hostile tribes, I should have much to deplore. — With these reasons submitted to the Honorable Congress, for their examination and decision, I feel compelled to return the bill without my approval.

Executive Department,
City of Austin, February 2d, 1842.

To the Honorable, the Senate,
and House of Representatives:

Special Message transmitting Gen. Hamilton's propositions.

General Hamilton has returned from Europe, and reports to me a correspondence between His Majesty the King of the Belgians and himself, for procuring the guaranty of that government on a public loan for this Republic, as an equivalent for certain commercial privileges, according to the projet of a legislative compact, of which the enclosed is a copy. I invite the serious attention of the Congress to this scheme for establishing the public credit of the country and obtaining the means for its security and defence.

General Hamilton has also brought with him a plan for the sale and settlement of the public lands of the Republic and supplying laborers from Europe for their cultivation, which, together with a scheme for raising money for the country, by bonds commutable and terminable by life annuities, will likewise be presented for your consideration.

The various duties now claiming the attention of the President, and the situation of the different departments, nearly destitute of clerks, have rendered it impossible for the Executive to enter into such an investigation of the plans of General Hamilton as would enable him to recommend any course in regard to them. He therefore submits the matter to the wisdom and mature investigation and deliberation of the Honorable Congress.

Executive Department,
City of Austin, February 3d, 1842.

To the Honorable, the Senate:

Nominations.

I have the honor to submit for the advice and consent of your Honorable Body, the following nominations, viz.

Ashbel Smith, Minister Chargé d'Affaires to France;
John G. Berry, Collector for the District of San Augustine;
Niles H. Smith, Collector for the District of Sabine;
Nathaniel D. Ellis, Collector for the District of Red River;
Henri Castro, Consul General of Texas for France;
William Kennedy, Consul General of Texas for Great Britain;
S. P. McFarlane, Notary Public for Jasper County.
D. Laughlin, " " Travis County;
William Herring " " Jefferson County;
Amos Morrill, " " Red River County;
Thomas Crutcher, " " Bowie County;
W. D. Shelton, " " Harrison County;

HOUSTON'S ADMINISTRATION:

John S. Menefee, Notary Public, Jackson County:
George Lane, " " Panola County:
James S. Sullivan, " " Ward County:

Executive Department,
City of Austin, February 3d., 1842.

To the Honorable, the House of Representatives:

Veto of bill establishing a "judicial county."

I herewith return to your Honorable Body, a bill "to organize a part of the County of Nacogdoches for judicial and other purposes," without my signature. My reasons for this step are already before the Congress, to which I respectfully refer.

Executive Department,
City of Austin, February 3d., 1842.

To the Honorable, the House of Representatives:

Veto of bill for the relief of Jonathan Bird, and others.

I find upon investigation in the General Land Office, that the bill "for relief of Jonathan Bird, and others" provides for the donation, location and survey of lands to an indefinite extent, already granted to Messrs. Peters, Browning and others, by express contract, under a law of last Congress, and now on file in the Department of State. Under its provisions, thousands of persons might put themselves under the protection of Bird's fort, and locate nearly or quite the entire territory comprehended in the contract alluded to;- thus depriving the contractors of the compensation which they are legally and equitably entitled to for their trouble and expense in procuring from the government the right to colonize, and then in supplying settlers, many of whom, it is understood, have already arrived, or are on their way to their new homes.

To compel, also, the contractors to relinquish the lands to which they are entitled by the terms of their agreement with the government, could not be justified upon any principle of expediency or correct dealing.

In a word, the passage of the bill would be a plain and palpable violation of a contract between the government and Messrs. Peters, Browning and others, which the government is bound in good faith to observe. Moreover, the government is and will be totally unable to comply with the requirements of the second section of the bill directing the Secretary of War to furnish a sufficiency of powder and lead for the supply of Bird's fort.

For these reasons, I return the bill to your Honorable Body without my signature.

/Secret./

Executive Department,
City of Austin, February 4th, 1842.

To the Honorable, the Senate:

I herewith submit, for the advice and consent of your Honorable Body, the nominations of

Francis M. Weatherhead, jr., as Notary Public for Sabine County; and of Alexander E. McClure, as Notary Public for Burnet County.

Nominations.

Executive Department,
City of Austin, February 4th, 1842.

To the Honorable, the House of Representatives:

Entertaining the opinion that the laws organizing the counties (so called) of La Baca, Guadalupe, DeWitt and Paschal, are unconstitutional; I can not do otherwise than place my negative upon all measures intended to consummate the object of their enactment. I therefore return to your Honorable Body, without my signature, the bill "supplementary to an act entitled an act to lay out and organize the County of La Baca; and an act entitled an act to lay out and organize the county of Guadalupe and an act to lay out and organize the county of DeWitt; and, also, the bill "to provide for the permanent location of the seat of justice of Paschal county."

Veto of bills relating to the establishment of judicial counties"

Executive Department,
City of Austin, February 4th, 1842.

To the Honorable, the House of Representatives:

In compliance with the resolution of your Honorable Body, requesting information relative to the commission of Major General of Militia, I have caused investigation to be made in the proper Department; and have to state that it is not known, "except from rumor, that the post of Major General of Militia has been vacated by General Felix Huston."

Special Message
in relation to
resignation of
Gen. of Militia.

Executive Department,
City of Austin, February 5th, 1842.

To Asa Brigham, Esq., Treasurer, &c.

Sir — You will receive from the Acting Secretary of the Treasury an amount of Exchequer bills sufficient to pay off the members of Congress, officers of the two Houses, such clerks and Heads of Bureaus, and Judges, as have arrears due them; and no more, until further arrange-

Instructions
Treasurer.

ments are made by the Executive. You will in all things be governed strictly by the provisions of the general appropriation acts of Congress.

I have the honor to be, very respectfully, your obt. servt.,

Executive Department,
City of Austin, February 5th, 1842.

To E. Lawrence Stickney, Esq., &c.

instructions to Acting secretary of Treasury.

Sir — The Acting Secretary of the Treasury will cause appropriations to be opened upon the books of the Treasury Department, for the pay and mileage of members of Congress, pay for the officers of both Houses, District Judges and such Heads of Departments and Bureaus and clerks at the seat of government, who have balances now due them — and await further orders in relation to the opening of other appropriations.

He will, also, furnish the Treasurer with a sufficient amount of Exchequer bills to pay all warrants drawn by the Auditor and Comptroller upon the appropriations by this order opened.

I have the honor to be, very respectfully, your obt. servt.,

Executive Department
City of Austin, February 5th, 1842.

To the Honorable Anson Jones, Secretary of State.

leave of absence to Acting Secy of State.

Sir — you have leave to absent yourself from Austin until such time as you can arrange your private affairs, so as to give your attention to the duties of your office.

I have the honor to be, very respectfully, your obt. servt.,

Executive Department
City of Austin, February 5th, 1842.

To Joseph Waples, Esq.

appointment of Acting Secy of State.

Sir — Doctor Jones, Secretary of State, being about to leave the Seat of Government for some time, you will, in his absence, take charge of the Department of State as Acting Secretary.

Respectfully, your obt. servt.,

Executive Department,
City of Austin, February 5th, 1842.

To Charles Mason, Esq., Auditor, &c.

Sir — You will not in any case audit claims for equivalents, where pay has been received and receipted for.

Instructions to Auditor.

I have the honor to be, very respectfully,
Your obedient servant,

Executive Department,
City of Austin, February 5th, 1842.

To Col. J. Snively.

Sir — You are hereby appointed, and authorized to assume and perform the duties of Assistant Inspector General to the Republic of Texas, together with those of Paymaster and Quarter Master of Subsistence, under orders of the Secretary of War.

Appointment of Acting Assistant Inspector-General, &c., &c.

The necessity, (caused by act of our last Congress, legislating those officers out of service, and not provided for by that about adjourning,) has caused the amalgamation of those duties, for the preservation of the public property and archives.

No pay, to be regulated by the rank designated, can be allowed — nor commutation. As your compensation will be drawn from the appropriation for the protection of the frontier, you will be allowed eight hundred and fifty dollars per annum, in full for the services, to which you are ordered.

I have the honor to be, very respectfully,
Your obedient servant,

Executive Department,
City of Austin, February 5th, 1842.

To the Honorable, the Senate,
and House of Representatives:

Special Message.

Previous to your adjournment, I deem it my imperious duty to present to your consideration, the exposed condition of the national archives. Since their removal to this place, a constant military force has been at the disposal of the President. The large amount of money placed at the disposal of the former Executive, gave to him the means of rendering every necessary protection to this section of the country. No such means have been placed at my disposal; and when Congress adjourns I have every reason to believe that the available force remaining at Austin will not be such as to guaranty the undoubted safety of the archives and other public property. The loss of the archives would be an irreparable injury to the country.

in relation to the preservation of the National archives.

Therefore, to the representatives of the people, I submit the question as to the measures proper to be adopted for the protection and security of an object so important to the whole nation.

The enemy must be appraised of the true situation of affairs at Austin; and can it be reasonably supposed that they will not endeavor to take advantage of our condition?

Executive Department,
City of Austin, February 5., 1842.

To the Honorable, the House of Representatives:

Veto of bill for refunding and redemption of public debt, &c.

A bill "to provide for the funding and redemption of the public debt of the Republic of Texas," has been presented for the approval of the Executive, and has claimed the attention of every leisure moment. The subject is one of grave import to Texas in many points of consideration – to our internal relations as well as our character abroad.

The postponement of our liabilities has been a measure of stern necessity, and not of choice. The creditors of the government are aware of our condition, and that it was not choice that induced the adoption of so deplorable an alternative. This will conclude them from all complaint as to the course avowed. The question arising is, as to the disposition of those liabilities, until such time as the resources and condition of the country will justify the nation in their redemption.

It does seem to me that the action of the present Congress (placed as it was in the midst of a great financial convulsion,) would have been excused for not acting upon the subject; and particularly so when I am impressed with the fact that neither the creditors nor the government of Texas will derive any important advantage from the adoption of the course proposed by Congress.

The funded debt has heretofore been consolidated by different solemn enactments, with conditions which were perfectly understood and mutually agreed upon by the government and the public creditors. This bill proposes a variation, without the consent of the creditors, nor are they allowed to become parties to the condition.

The former laws established certain rates of interest, for the allowance of which, and the payment of the principal, after a certain number of years or at the pleasure of Congress thereafter, the public faith was solemnly pledged. The transaction was in the nature of a contract between the government and its creditors. Then, to say nothing of the constitutional provision which declares that no retrospective or ex post facto law, or law impairing the obligation of contracts, shall be passed, it would, to my mind, be an act of manifest injustice to the creditors of the government and constitute a breach of national faith and honor; inasmuch as no plea, drawn from the necessity of the case, could be made an excuse for the procedure.

That Texas is unable, at this time, to redeem one dollar, is a fact which she is compelled to acknowledge, and one which she has declared to the world by the law passed at the present session, refusing to receive it in payment of impost dues and direct taxes hereafter to be assessed. But for this she must stand justified to her citizens and the world by the circumstances which have caused the act. Our public lands have not been brought into market, and our agents have been wholly unsuccessful in obtaining the loan.

To reconsolidate the funded debt, by a legislative mandate, and to vary entirely the terms under which it was created, to my mind have not full grounds of justification for the support of the measure. The holders of it can only be told that Texas is unable, at present, and will be probably for some time to come, to pay either the principal or the interest.

But our prospective resources are boundless, and when time shall have developed them, Texas will be enabled to make such arrangements with her creditors as will be satisfactory. In the mean time the Honorable Congress will have more time to calmly deliberate upon the best expedients to be adopted for the country as well as its creditors.

It would be impossible for those who might prefer the alternative of receiving land in payment of their demands, to receive any benefit from the course, unless the country set apart should be surveyed and sectionized, as well as marked upon a map. It would be impossible, also, to ascertain from a map, whereon imaginary lines merely are drawn, and without surveys actually made, where any tract of land could be found, within the general limits of the reservation.

With great deference to the opinions of the Honorable Congress, I am compelled to believe that immediate action, by law, is not necessary at the present moment; and that the bill would operate unjustly, and would set at nought the words and spirit of the constitution. Under these impressions, I cannot give the bill my approval.

Galveston, March 8th, 1842.

To Col. A. A. M. Jackson:

Instructions to Col. Jackson.

Sir — I would suggest that you have one company in readiness to march at a moment's warning, if needful — with eight day's provision, one hundred rounds of ammunition, knapsacks, haversacks, one blanket and a change of linen, or one shirt, each.

The arms should be in good order; and if it is needful to march, they should be kept in prime order.

If the enemy intend an invasion we will soon have further information, and can act advisedly and with efficiency. If it has been a predatory party, as I believe it to be, they are by this time on the other side of the Nueces.

I am very truly yours.

Galveston, March 9th, 1842.

To Count Leon de Serin, Mr. W. Bollaert, and others:

Reply to Memo. of Count Leon de Serin, & Other

Gentlemen — I have the honor to acknowledge the receipt, this day, of your memorial of the 21st ultimo, praying me to extend in your case, the provisions of the act donating lands to emigrants.

Although yours may be a case of peculiar hardship, I am sorry that it is not within my power to grant the relief prayed for.

By the provisions of the "act granting land to emigrants," approved 4th January 1841, six hundred and forty acres of land were donated to each head of a family and three hundred and twenty acres to each single man over the age of seventeen, who should arrive previous to the first day of January, 1842.

You having arrived subsequently to the 1st of January, 1842, within the limits of the Republic, are consequently deprived of any benefit accruing from said act; and the law having, as far as donation to emigrants is concerned, expired by limi-

itation - the Executive, being governed by the laws and the constitution, is deprived of all power in the premises.

I have the honor to be, very respectfully,
your obedient servant,

Galveston, March 10th, 1842.

Address to the people of Texas.

My Countrymen:

Rumors have been brought from the South-western frontier of invasion. Particulars have not been furnished to the Executive. The facts are sufficient however to justify immediate preparations for defensive war.

All who are subject to military duty, are commanded to be in readiness to repair, equipped, to the scene of action, at the call of the authorities of the country.

It is ordered that the Colonel of each county, for the present lay off the county into company beats and direct the election of Captains and Subalterns, and arrange the members of each company into three classes, agreeably to the class in which they may draw.

When drafts may take place, the Colonels of the different counties shall have authority and power to accept efficient substitutes into service.

Each man will be required, in the event of a call by the President, to report himself, furnished with good arms, eight days' provisions and one hundred rounds of ammunition, and prepared for three months' service from the time they shall report from the head-quarters of the army.

In the event of a formidable invasion, it is needless to appeal to the patriotism and valor of Texians. They have won liberty and independence by their undaunted heroism: they have enjoyed the blessings of freedom: they are proud of their national character.

If invasion should press upon us, we are required by every sacred obligation to family, friends and country to repel our invaders with discomfiture and dismay. If war should come upon us, we will make it our business. We will be authorized to meet and pursue our enemies with vengeance. They have forgotten the generosity with which they were treated when they were placed at the footstool of Texian Mercy. They were saved when even humanity would have justified retributive vengeance.

Should Mexico again disregard the exalted principles of civilized and honorable warfare, they shall feel the avenging arm that shall take of them full recompense for oppression and cruelty.

Texians can and will be free. They would prefer death to degradation or the loss of their independence.

Galveston, March 10th, 1842.

To Brigadier General Morehouse:

Orders to Brig. Gen. E. Morehouse.

Sir — You will hold the troops in readiness to march at a moment's warning. Troops are not to turn out unless by order of the authorities of the country. The constitution and laws shall be the rule of action; unless in case of great emergency. Under any circumstances, there must be some rule of action; and should martial law be proclaimed, it will have rules to govern the action under it.

The captains are subordinate to the colonels, and the colonels to the generals. Orders will emanate from the proper Department directed to them. The President is commander-in-chief by the constitution; and from the President orders can be conveyed to the lowest subaltern in regular order. But every officer is not to be the judge of the position which he is to occupy in the defence of the country.

System and order must be preserved, or we will again have the scenes of the Alamo, Goliad and Santa Fé renewed in Texas; which God, in His boundless mercy, avert from the country. We have nothing to fear, if every man will do his duty and be obedient to the laws. Obedience to the laws, order, subordination and a proper respect to discipline will ensure to Texas a speedy riddance of our invaders, no matter what their force may be. Without these prerequisites to defence, we may anticipate every disaster.

P.S. Tomorrow I will be up. Let no troops march till I arrive.

I have the honor to be your obt. servt.,

Galveston, March 10th, 1842.

To Brigadier General A. Somervell:

Orders to Brig. Gen. A. Somervell.

Sir — You will forthwith repair to the headquarters of the army — take command of the same, and report yourself to the Secretary of War.

You will proceed to organize them agreeably to the laws regulating the militia as nearly as the exigency of the case will permit, and make your report to the War Department.

In regulating your conduct, you will be governed by the exigencies of the case, and defend our liberties to the knife.

If the invasion proves to be a formidable one, I will be at the army in person.

I have received Gen. Arista's proclamation; and if he should come on I should be glad to make his personal acquaintance.

You will maintain the strictest discipline in camp. Have no music in camp until you are ready to attack the enemy. Have the troops always under arms one hour before day, and let them remain in that position until day fairly opens. Let your picket guards be posted at least three miles from the army, when your position will admit of it. Keep a sufficient number on camp guard. Do not dispense with patrols. If a man is taken asleep at his post, or on guard, let him be shot.

If you should ascertain the position of the enemy, and should deem it advisable to attack them, do so at night. Their surprize will be terrific.

Unless you can be assured that you can beat the enemy, fall back. I shall be with you. — Continue to send information by express. The express will find me at Houston, or on my way to the army.

Maintain subordination, it will criticise confidence. — If we have a war, prudence and confidence will be of more importance than enthusiasm. They wear well and can never fail to convince truth and success.

I have the honor to be your obt. servt.,

Galveston, March 10., 1842.

To Gail Borden, Jr., Esq. Collector of Customs, Galveston.

Sir — You will forward by steamboat, as soon as practicable, Equivalent of Boston such arms as you have in the Custom House, excepting three hundred which may be required for the use of Galveston. — You will send the arms to the care of Hugh Allen & Co., accompanied by a bill of lading.

I have the honor to be your obt. servt.,

Required, 150 muskets
150 cutlasses,
1 long brass gun, from Steam Ship Yavaka
4 six or nine pounder guns,
1 American ensign,
5 boarding pikes.

To Gail Borden, jr., Esq.
Collector of Customs, Galveston:

Sir — The proper officers will issue arms, &c., agreeably to the above requisition; taking duplicate receipts and security for their safe return. 340 muskets will be retained on the island.

Galveston, March 10., 1842.

I have the honor to be your obt. servt.,

Galveston, March 10., 1842.

To Col. Alden A. M. Jackson:

Sir — In the present emergency, the President exercises the power order to Col. of issuing orders directly to you, as it is impossible for the Secretary of War A. M. Jackson to discharge his duties at this point.

You will have your regiment in a state of perfect organization.

It will be proper for you, so far as practicable, relying upon the liberality of the citizens, to have the fort at the East end of the island placed in an efficient state of defence, in case of a descent of the enemy by sea. It will be necessary to obtain plank and have the guns protected by cover

when mounted. You are authorized, if necessary, to remove any of the carriages or trucks from the Navy-yard, to mount guns upon.

You will prepare at least thirty rounds of fixed ammunition for the 18 pounders and the same number for the 24 pounders.

You will obtain from the Collector the requisite number of muskets for such of your command as you may require, and receipt for the same. You will see that the arms are preserved in perfect order.

You will place your command in the best possible state for action, if it should be necessary to meet the enemy.

If the invasion is more than temporary, we may look for a cooperation by sea with the land forces, and this, then, would undoubtedly be one point of attack. It must, therefore, be placed in the best possible state of defence for the means at the disposition of the Executive; and such as the liberality of the citizens can render.

You will preserve subordination and discipline in your command; or, in case of action, there will be but little hope of success, or glory, for our country. If Texians are obedient to the laws and their officers, they will always prove victorious and unconquerable.

I have the honor to be your obt. servt.,

Galveston, March 10t, 1842.

To Honorable George W. Hockley:

Order for removal of archives to Houston.

Sir — You will communicate to the Heads of Departments, that you have this, my order, to have removed forthwith to the City of Houston all the public archives of the Republic of Texas.

William Pettus, Esquire, will report to you, and you can require of him such aids as you may deem proper and necessary.

You may find it most safe to have the archives removed by way of Caldwell, on the Brazos. If the enemy advance upon the Colorado, they would be in danger by the Rutersville route. If all cannot be brought off, by all means secure the land papers and Auditor's and Comptroller's.

You will employ such aids, in the execution of this order, as you may deem proper for its speedy and efficient execution.

I have the honor to be your obt. servt.,

Sam Houston

Galveston, March 11t, 1842.

To the Army and Citizens of Texas:

Address to the people of Texas.

Whereas the odious practice of indiscriminate impressment of individual property, without authority from the government and merely sanctioned by private will, and often stimulated by cupidity and dishonesty, has often occurred:

Now, therefore, be it known, that I, Sam Houston, President and Commander in Chief of the Army and Navy of the Republic of Texas, do, by these presents direct and command all persons to abstain from the commission

of such practices, unless by the express order of the government, emanating from the War Department, to such person or persons as may be authorized or required to perform such duty; and in no case whatever shall any property be impressed, but when the most absolute necessity of the public service may require recourse to such an alternative.

If any officer shall be guilty of the offence of impressment of property without authority he shall be dishonorably discharged from the service; and if a non-commissioned officer or soldier he shall be tried by court martial. All persons who shall be guilty of a violation of this proclamation, shall have their names published as offenders in the newspapers of the Republic.

Nothing is better calculated to alienate the feelings of the people, and destroy confidence in the government than the toleration of such offences. It is the high and honorable duty of a soldier to protect the lives and property of the peaceful and worthy citizens. No man who feels the holy impulse of patriotism but will detest the offence, when he reflects upon the condition of an honest citizen who has been oppressed by his countrymen, because he was unable to main his rights and preserve his property from the hands of violence, which should only be raised against our national oppressors.

Galveston, March 11th, 1842.

To John Hade,
Lieutenant Commanding Galveston Coast Guards,
On special service, on an expedition to Copano.

Sir — You, (having been appointed to the command of this expedition), will proceed with all possible despatch for Aranzas bay, or such other place on the Coast as you may deem expedient to visit, there to make search for vessels employed in the service of Mexico — either transports for troops or provisions, munitions of war, &c., &c. — to examine every vessel you may meet with and suspect, having due regard to the usages of war in such cases.

Lieut. Comdg. Hade

You will direct the movements of the two vessels which accompany you, and which are under your command, and if possible keep up a constant communication with this place.

Your movements are not to be confined to the bay of Aranzas, but you will prosecute your search along the coast in either direction as far as you may think necessary for the interest of the service, to intercept and seize all articles contraband of war, designed for the Mexican camp, under either neutral or Mexican colors. to send all prizes under charge of prize masters to this port for trial and adjudication.

Gail Borden, jr., Collector, is appointed prize master for all vessels taken as prizes and brought to this place.

I have the honor to be your o'd't. servt.,

Galveston, March 12th, 1842.

To Captain John Clark:

Sir — If you should fall in with the expedition of the Coast Guards, it is the desire of the officers who have been appointed that you should take charge of the same. You are, therefore, hereby appointed to the command and will be governed in your conduct by the instructions which will be furnished you by the First Lieutenant Commanding — Wade.

In all things you will be governed by the laws of the Republic in relation to the Naval arm of defence.

I have the honor to be your obedient servt.,

Instructions &c. to Capt. Clark.

Executive Department,
City of Houston, March 14th, 1842.

To the Citizens of Texas.

Let the troops all be organized and wait for orders to march to any point where they may be required by the President. He will have the earliest intelligence from Camp.

Address to the people of Texas

The whole force of the enemy now in Texas cannot exceed eight hundred or a thousand men. and that of Texas now in camp and on their march West of the Brazos must be thirty five hundred or four thousand men. If the enemy do not retreat they will be taken prisoners or slain.

Executive Department,
City of Houston, March 15th, 1842.

To Brigadier General E. Morehouse:

Sir — You will communicate to the troops now here and anxious to join the army, to take up the line of march forthwith, and report to General Somervell, who is in command of the army. An express will leave here immediately to apprise him of the march of the troops, that he may be enabled to give direction as to the proper point of destination.

Order to Brig. Gen. Morehouse

The President will appoint a Quarter Master to accompany the troops on their march, and furnish the requisite supplies.

The Executive entertains an assured confidence, that when the troops from Harris County, as well as of Texas generally, may meet the enemy, they will sustain the reputation which their valor has already acquired, and that they will add fresh glory to their national renown.

I have the honor to be your obedient servt.,

Executive Department,
City of Houston, March 15, 1842.

To Captain De Roll:

Sir — Your address to me of to-day has been received; and in reply I have only to say, that the President has no power to impress horses, unless in case of extreme danger to the country. I am not aware that the extremity at present is such as would justify the measure.

Reply to application of Capt. De Roll.

I have not one dollar at my disposition, either to purchase horses or the equipments necessary for one man.

Under these circumstances, it is impossible for the President to render the aid requested, having no means for the purpose. I regret that the government is not able to gratify the wishes of Capt. De Roll and his company. I would be prone to aid in fitting out a corps, which, I am assured, would do honor to itself and the country.

I have the honor to be your obt. servt.,

Executive Department,
City of Houston, March 15., 1842.

To the Committee of Vigilance, Houston.

Gentlemen — My answer is, Let us expel the enemy, and then we will know what is needful, and what we can do. Time will enable us to judge of our situation.

Reply to Com. of Vigilance, Houston.

I have the honor to be your obt. servt.,

Executive Department,
City of Houston, March 16., 1842.

To Brigadier General A. Somervell:

Sir — By this morning's boat, Mr. Van Ness of the Santa Fé expedition, arrived here, bringing the latest intelligence from Mexico; stating that Gen. Somervell, they are making formidable preparations for the invasion of Texas.

Order to Brig. Gen. Somervell.

You will send an express every day from the camp, making known all the intelligence you may obtain relative to the enemy, condition of the army, number of men, &c., &c..

I have the honor to be your obt. servt.,

Executive Department,
City of Houston, March 17th, 1842.

To Brigadier General E. Morehouse:

Sir— You will promulgate the orders issued by the Secretary of War of the 12th instant. You will also direct all persons who may return from the army with public arms, public property, or property impressed, to be forthwith returned — the arms and public property to John W. White, Quarter Master of the Regiment and all the impressed property to the owners.

I have the honor to be your obedient servt.,

Order to Brig. Gen. Morehouse.

Executive Department,
City of Houston, March 17th, 1842.

To Major J. W. Burton:

Sir — I send by you as far as Crockett, some proclamations with a request that you will forward a portion of them throughout the East.

I would recommend that the troops be organized and ready to turn out at the first call of the President. They will not be called from their homes unless the necessities of the country absolutely require it to be done.

I would also recommend that all the single men form themselves into volunteer corps ready to march at a moment's warning.

I require that no impressment of property take place. It will ruin the country and shall not be tolerated, only by order of the Executive.

You will please forward this letter, or copies of it, with the proclamation.

You will prevent all persons with arms, or mounted on good horses, from passing Eastward unless they can account satisfactorily for themselves; as many arms and horses have been taken improperly.

Let impressment without orders be punished as the laws will enforce.

I have the honor to be your obt. servt.,

Memorandum by Maj Burton.

Executive Department,
City of Houston, March 18th, 1842.

To Brigadier General A. Somervell:

Sir— You will receive into the service of the government two volunteers companies of fifty six men each, to scour the country between San Antonio and Corpus Christi, and the West generally, and report to the proper Department at the City of Houston, any movements of the enemy they may observe, without delay.

You will order that no traders free from suspicion, be interrupted, as from them, information may be obtained.

Efficient and active men and the utmost diligence, are indispensable.

Let no outrages be committed, but exercise humanity and

Order to Brig. Gen. Somervell.

justice. — I have the honor to be your obedient servant,

Executive Department,
City of Houston, March 18th. 1842.

To Brigadier General A. Somervell:

Order to Brig. Gen. Somervell.

Sir — You will have received the order of the Secretary of War of the 12th March. You will conform to the same unless you are perfectly apprised that the enemy are advancing in force into the country. In that event you will meet and beat them.

It is of vital interest to the nation, that farmers should not be detained from their homes at this important season of planting.

Some may have a disposition to go on to the Rio Grande - to march to the frontier without orders and in a tumultuous mass, and in parties without concert or orders. This will expose them to every disaster that can arise from insubordination.

Let any who may proceed without your orders call to mind the fate of Johnson, Grant, and indeed all the disasters of the Spring of 1836. Defeat or disobedience of orders, at this time, will carry with it a deplorable influence upon our cause if we are invaded. They will encourage the enemy and increase the chances of invasion.

No one in Texas is more determined that Mexico shall be invaded than I am - but we must be prepared. We are to look abroad for aids; and if people on whom we rely should learn that the authorities of Texas are disobeyed or disregarded and that disorder has commenced in the army, their sympathy and respect will cease, and Texas will again be reduced to extremity. The success of our army depends upon discipline and subordination. Even valor without direction is rendered useless.

You will accept the services of two hundred men, well prepared to pass the summer in service to range and spy from San Antonio to Corpus Christi, and Westward. Should you not be able to secure the service of so many, you will obtain two companies of fifty six men each, with orders to report to the President regularly. If you can, I wish you to obtain the services of Colonel Hays to command this corps.

I repeat, that Texas at this time is not in a situation to invade Mexico; nor will she be before one hundred and twenty days.

It is desirable that Mexico should not suspect our designs, as it would induce more active preparations of defence upon her frontier. It is important for farmers and mechanics to be at their homes

P. S. Let these orders be read to the troops, but do not let copy be taken, as the enemy might get a copy, or the intelligence it contains.

I have the honor to be your obedient servt.,

Executive Department,
City of Houston, March 18th, 1842.

To Brigadier General E. Morehouse:

Order to Brig. Gen. Morehouse.

Sir — You will communicate to the troops who have so spiritedly rallied to meet the invaders of our soil, that, from the information and orders of the Secretary of War of the 12th instant, the farmers will return to the cultivation of their fields, and should it be necessary again to take the field, they will be in a situation to leave their homes for a campaign.

They will be prepared and in a state of constant readiness to take the field, in obedience to the order of the Executive, who will not fail, if needful, to employ all the resources of the nation in defending our liberty. Until a call is made the country will be tranquil.

You will direct that all the public property and property impressed, be returned to the government or the owners.

General Somervell, the senior Brigadier General, has been invested with the command of the forces; and every Texian who regards the honor of the country — who esteems subordination, and hopes for glory, will obey his orders. All troops have been ordered to report to him as commander of the army under the laws, constitution and orders of the President.

Subordination is enjoined upon the army — it will ensure success and secure glory and honor to the country.

I have the honor to be your obt. servt.,

Executive Department,
City of Houston, March 19th, 1842.

To Maj. Thomas G. Western:

Instructions to Maj Western.

Sir — You are going, as I learn, to the army. The troops, I presume who have any useful employment at home, have, by this time, returned to their business. If you should find any to remain, after the Secretary of War's order, and wish to be employed in the army, I desire to know the number and what their condition is for service.

I positively command, in the name of the constitution, that none go on without orders from the government; and for that reason I wish an express sent to me immediately, apprising me of everything important.

We have to rely upon the United States for assistance and cooperation in the invasion of Mexico. Without their aid, we are not in a condition to make war or have such means as will be required for our success.

If the people of the United States once learn that the laws and the government are disregarded in Texas, we will get no help from them. No one will sustain a cause which has no head and no rule of action. They will remember the fate of those who fell with Fannin. They will recollect what followed in the train of Governor Smith's removal from office contrary to law.

The excitement of a few men at this time will injure Texas much. But the people of the country and those who have farms and families will not disregard the call of the President or the rule of the [illegible]

Those who disregard the authorities of the country, would not be looked upon as good soldiers in the cause of constitutional liberty. Anarchy has never achieved any thing useful, great or glorious. Obedience to law, order and subordination, will secure all that is desirable for free men to possess.

I desire that an express be sent to me that I may know what is best to be done for the country.

You will communicate this to all the troops whom you may see, and have it made known - but no copy taken.

Yours truly;

P. S. To be communicated to the troops, as per express of Maj. T. G. Western.

Executive Department,
City of Houston, March 21st., 1842.

To His Excellency, Antonio Lopez de Santa Anna,
President of the Republic of Mexico:

Most Excellent Sir — Your communications to Mr. Bee and General Hamilton, dated at the palace of the Government of Mexico, have been recently presented to my notice. At the first convenient leisure, I have not failed to appropriate my attention to the subjects embraced within the scope of your remarks. They would have met a more ready attention, had it not been for a marauding incursion made by a Mexican force upon the defenceless town of San Antonio on the inhabited frontier of Texas. Apprehending that the force had some other character more important than that of bandits and plunderers — commanded as it was by regular officers - it produced a momentary excitement; and claimed the attention of the Executive. But as the bandits have withdrawn, characterizing their retreat by pillage and plunder, as has been usual with Mexicans - I am left at leisure to resume in tranquility the duties of my station.

Letter to Antº. Lopez de Santa Anna, together with his letter written at Orazimba in 1836, and the Veto Message of the President concerning his releases.

In reference to your correspondence with Mr. Bee and Gen. Hamilton, I have no remark to offer in relation to the communications which those gentlemen assumed the individual responsibility of making to you. The very nature of the correspondence manifests the fact, that it was not done under the sanction of this government, but rests solely upon their action as individuals. Had your response regarded them in the light in which they were presented to you, it would have superceded the necessity of any notice from me. But as you have thought proper to laud my conduct as an individual, and refer to transactions connected with this country, with which I had official identity - and which I also at this time possess. and as you have taken the liberty to an unwarrantable extent to animadvert upon circumstances connected with Texas, as a nation, I feel myself impelled by a sense of duty, to refute a portion of the calumnies which you have presented to the world under

your official averment. — You appear to have seized upon the flimsy pretext of confidential communications, unknown to the officers of this government, and unknown to the world, until divulged by you; for the purpose of manufacturing a capital of popularity at home — and which you have submitted to the world as a manifesto in behalf of what you are pleased to term the rights of a great nation "by so many titles respectable."

Whatever opinions you may have entertained in relation to the difficulties existing between Mexico and Texas, cannot materially vary the facts and principles involved, nor will they materially influence the decision of mankind upon the justice of our cause.

Decency and self respect at least should have induced on your part, the pursuit of a course different from that which you have adopted. The abuse and ribald epithets which you have applied to the citizens of this country, as well as those of the Mississippi valley of the United States, are doubtless characteristic of the individual who gave them utterance. So far as the people of this country are concerned, I shall refer mankind to a history of facts and circumstances connected with the settlement of the country. I shall pass by, with slight notice, your remarks relative to the people of the United States. So far as our origin is connected with them, and a unity of sympathy exists, we are proud to hail them as our kindred — kindred in blood — kindred in laws — kindred in all the ennobling attributes of humanity. They will hear your idle taunts of defiance with the same contempt and derision that Texians regard your silly gasconade. If they have heretofore sympathized with us in our struggle for liberty and independence, it was from a knowledge of the fact that we had been deceived and oppressed by Mexico, and that the cause in which we were engaged was that of humanity struggling against usurpation and despotism.

The people of Texas were invited to migrate to this country, for the purpose of enjoying equal rights and constitutional liberty. They were promised the shield of the constitution of 1824, adopted by Mexico. Confiding in this pledge they removed to the country, to encounter all the privations of the privations of the wilderness, under the alluring promises of free institutions. Other reasons operated also. Citizens of the United States had engaged in the revolution of Mexico, in 1812. They fought gallantly in the achievement of Mexican independence, and many of them survive, and to this day occupy the soil which their privations and valor assisted in achieving.

On their removal here, they brought with them no aspirations or projects, but such as were loyal to the constitution of Mexico. They repelled the Indian savages — they encountered every discomfort — they subdued the wilderness and converted into cultivated fields the idle waste of this now prolific territory. Their courage and enterprize achieved that which the imbecility of your countrymen had either neglected or left for centuries unaccomplished. Their situation was not, however, disregarded by Mexico, though she did not, as might have been expected, extend to them a protecting and fostering care; but viewed them as objects of cupidity, rapacity, and, at last, jealousy.

The Texians enduring the annoyances and oppressions inflicted upon them, remained faithful to the constitution of Mexico. In 1832, when an attempt was made to destroy that constitution, and when you, Sir, threw yourself foward as its avowed champion, you were sustained with all the fidelity and valor that freemen could contribute. On the avowal of your principles, and in accordance with them, the citizens put down the serviles of despotism

Arahuac, Velasco and Nacogdoches. They treated the captives of that struggle with humanity and sent them to Mexico, subject to your orders. They regarded you as the friend of liberty and free institutions — they hailed you as the benefactor of mankind. Your name and your actions were lauded, and the manifestations you had given in behalf of the nation, were themes of satisfaction and delight to the Texian patriots.

You can well imagine the transition of feeling which ensued on your accession to power. Your subversion of the constitution of 1824 — your establishment of centralism — your conquest of Zacatecas, characterized by every act of violence, cruelty and rapine, inflicted upon us the deepest astonishment. We realized all the uncertainty of men awaking to reality from the unconsciousness of delirium. In succession came your order for the Texians to surrender their private arms. The mask was thrown aside, and the monster of despotism, displayed in all the habiliments of loathsome detestation. Then was presented to Texians, the alternative of tamely crouching to the tyrant's lash, or exalting themselves to the attributes of freemen. They chose the latter. To chastise them for their presumption, induced your advance upon Texas, with your boasted veteran army, numbering a force nearly equal to the whole population of the country at that time. You besieged and took the Alamo — but under what circumstances? Not those, surely, which should characterise a general of the nineteenth century. You assailed one hundred and fifty men, destitute of every supply requisite for the defence of the place. Its brave defenders, worn down by vigilance and duty, beyond the power of human nature to sustain, were at length overwhelmed by a force of nine thousand men — and the place taken. I ask you, Sir, what scenes followed? Were they such as should characterise an able general — a magnanimous warrior, and the President of a great nation, numbering eight millions of souls? No. Manliness and generosity would sicken at the recital of the scenes incident to your success, and humanity itself would blush to class you among the chivalric spirits of the age of vandalism. This you have been pleased to class in the "succession of your victories" — and I presume you would next include the massacre at Goliad. Your triumph there — if such you are pleased to term it — was not the triumph of arms; it was the success of perfidy. Fannin and his brave companions had beaten back and defied your veteran soldiers. Although outnumbered more than seven to one, their valiant hearts and indomitable courage, with holy devotion to the cause of freedom, foiled every effort directed by your general, to ensure his success by arms. He had recourse to a flag of truce; and when the surrender of the little patriot band was secured by the most solemn treaty stipulations, what were the tragic scenes that ensued to Mexican perfidy! The conditions of their surrender were submitted to you; and though you have denied the facts, instead of restoring them to liberty, according to the conditions of the capitulation you ordered them to be executed contrary to every pledge given them — contrary to the rules of war, and contrary to every principle of humanity.

Yet, at this day you have the effrontery to animadvert on the conduct of Texians, relative to your captivity after the battle of San Jacinto.

You have presumed to arraign the conduct of the then ex-

isting cabinet, and to charge it with bad faith; and though you are pleased to commend the conduct of the illustrious Stephen F. Austin, the Father of Texas, and myself, for acts of generosity exercised towards you, you take much care to insinuate that we only were capable of appreciating your proper merits. That you may no longer be induced to misconstrue acts of generosity and appropriate them to the gratification of your self complacent disposition, I will inform you that they were acts of magnanimity characteristic of the nation to which we belonged. They had nothing to do with your merits or demerits. The perfidy and cruelty which had been exercised towards our companions in arms, did not enter into our calculation. Your sacrafice would not restore to our gallant companions their lives, nor to our country their services. Although the laws of war would have justified the retaliation of your execution, yet it would have characterized the acts of a nation by passion and revenge, and would have evinced to the world that individuals, who had influence upon the destinies of a people, were subject to the capricious impulses of vengeance, of which you had so recently set an example. So far as I was concerned in preserving your life, and subsequent liberation, I was only influenced by considerations of mercy, humanity and the establishment of a national character. Humanity was gratified by your preservation. The magnanimous of all nations would have justified your release had they known how little its influence was dreaded by the Texians. If, upon your return to Mexico, you should have power and a disposition to redeem the pledges you had voluntarily made to myself, as well as this government, of an earnest disposition to see the independence of Texas recognized by Mexico, I believed it would have a tendency to restore peace to the two nations, diminish the aggregate sufferings of their citizens and promote the prosperity of both countries. In the event that you were not disposed to redeem the pledges thus given, but urge a prosecution of the war by Mexico against us, I wished to evince to mankind that Texians had magnanimity, resources and confidence sufficient to sustain them against all your influence in favor of their subjugation.

Your liberation was induced by principles such as those; and though you tendered pledges, doubtless to facilitate and ensure your release, they were received, but not accepted as a condition. I believed that pledges made in duress were not obligatory upon the individual making them; and if you intended to exercise the influence which you declared you would do, that unconditional liberty extended to you, would interpose no obstacle to their fulfilment.

Without any advertency to any treaty stipulations which you had made with the Cabinet of Texas, I gave you your entire liberty and safe conduct to the City of Washington.

You have asserted to the world that you have given no pledge to the Texian government whatever, of your disposition in favor of its separation from Mexico. That the tribunal to which you have appealed, may judge of the validity of your assertion, I shall submit with this communication, a letter of yours addressed to me at Columbia, dated the 5th November, 1836, after my determination to give you your liberty had been communicated. I shall present it in the original accompanied with its translation into English. I will also give publicity to a veto, which I communicated to the Senate, in consequence of a resolution of that Honorable Body respecting your detention as a prisoner.

You have spoken of events subsequent to the battle of San Jacinto, and endeavor to convey the idea that promises had been extorted from you "under the rifles of a tumultuous soldiery." I am at a loss to comprehend your meaning by this reference. When you were brought into the encampment as a prisoner, the second day after the battle, you were conducted to the presence of the Commander-in-Chief — not amidst noise and tumult, nor did any exist. When the character of the prisoner was known to the army much

[illegible] but they were so [illegible] with our [illegible] offers. We were [illegible] with astonishment, and may conclude by assuring you that our intention would suffer, but you have a friend [illegible] gentleman and friend, you could have [illegible] your freedom from those which were intended to you. As you [illegible], you were placed under my [illegible], and [illegible] with the [illegible] of the prisoners. You were informed that you could have your [illegible] and [illegible] brought to my quarters, where I long conferred with my [illegible]. You were permitted to commence the [illegible] of your attorneys. You were informed also that your baggage should be selected from the spoils taken by the army on the field, which were accordingly done, and never inspected. These privileges were granted by my order. Your aid-de-camp, Colonel Almonte, and your Private Secretary were permitted to remain with you in your marquee. A guard was detached for the purpose of sitting any apprehensions you might have for your personal safety, and every liberty extended to you except your absence. Those.

You submitted propositions to me, embracing the questions of the recognition of Texian independence and the termination of our struggle. I unconditionally refused the acceptance of any offer upon the subject of a treaty, assigning as reasons, that we had a constitutional government and that the subject would properly come before the Cabinet of Texas, the members of which would be present in camp within a few days. You urged the further consideration of your proposition upon me, declaring that you would rather enter into stipulations with a general of the army than with the civil authorities of the country. I positively declined taking any action upon them, and they were referred to the Cabinet on its arrival.

Declining the consideration of your proposals myself, I required you to have orders forthwith to the general next in command to evacuate Texas with the troops composing the Mexican army and to fall back with them to Monterey. Orders to this effect were issued by you to General Filisola and despatched by an express which could not overtake him, however, until he had reached the Colorado on his retreat, conducted in the greatest panic and confusion. Owing to his precipitate flight and your execution of my orders, the Mexicans were permitted to leave Texas without further molestation.

In the mean time, General Adrian Woll of the Mexican army, came into the encampment at San Jacinto, without my knowledge and not upon "my word of honor"; nor was I apprised of his presence until I learned that he, together with his aid, had been traversing our lines. So soon as I was advised of the fact, I ordered them to my presence and had them instructed that such conduct would not be tolerated, and caused them to be placed under vigilance. This was all I deemed sufficient to detain General Woll as a prisoner of war. His subsequent conduct to Captain Dimitt, was such as to justify any unfavorable opinion which I had formed of his character. He had rendered himself so obnoxious to the army that, from a desire for his personal security, I did not permit his release until he could go in perfect safety. In no respect had the prisoners taken on that occasion reason of complaint. Their lives were all forfeited to the laws of war, conformably to the precedent which you had exhibited.

General Cos, who had surrendered in 1835 a prisoner of war, at San Antonio, where one hundred and ninety five Texians stormed and took the Alamo with the town, when it was defended by seventeen hundred regular troops of Mexico, was again taken prisoner at San Jacinto, after he had violated his parol of honor, by which he had forfeited his life to the laws of arms.— Yet such was the lenity of Texians that even he was spared; thereby interposing mercy to prevent reclamation being made for the brave Texians perfidiously massacred.

From the 5. of May, I had no connexion with the encampment nor

the treatment which the prisoners received, until the month of October, when I was inducted into the office of Chief Magistrate of the nation. It is true that you were chained to an iron bar, but not until an attempt had been made to release you with your knowledge and assent. A vessel had arrived at Brazimba on the Brazos where you were confined. In possession of its captain were found wines and other liquors mixed with poison, for the purpose of poisoning the officers and guard in whose charge you were and thereby ensuring your escape. In consequence of the sensation produced by this circumstance, you were confined and treated in the manner you have so pathetically portrayed.

Whilst confined by my wound in San Augustine, I learned that it was the intention of the army to take you to the theatre of Fannin's massacre, and there to have had you executed. Upon the advertisement of this fact, I immediately sent an express to the army, solemnly protesting against any such act, and interposing every obstacle possible against your further molestation, or any action which might not recognize you as a prisoner of war.

Your recent communications have necessarily awakened advertency to these facts: otherwise they would have remained unrecited by me. Any part which I bore in the transactions is not related in imitation of the egotistical style of your communication. It is done alone for the purpose of presenting the lights of history. You have sought to darken its shades, and appeal to the sympathies and command the admiration of mankind, and have even invoked "the prismatic tints of romance."

Now the tribunal to which you have appealed, will have an opportunity of contrasting the treatment which you and the prisoners taken at San Jacinto received, with that of those who have fallen within your power, and particularly those perfidiously betrayed on a recent trading excursion to Santa Fé. You have endeavored to give that expedition the complexion of an invading movement upon the rights of Mexico. To believe you serious in the idle display of words, made on this occasion, would be presenting an absurdity to the common sense of the age. Your fears may have given it a character different from that to which it was entitled. Examine the circumstances accompanying it. It was not an act of Texas - Congress had refused to sanction any enterprize of the kind. A number of individuals were anxious to open a lucrative trade (as they believed it would be) with Santa Fé. Such a commerce has been carried on for years by the citizens of the United States from Missouri, and the preparations, connected with the fact that the citizens took with them a considerable amount of merchandize, show that their enterprize was not one of conquest or invasion. You may allege that it had connexion with the government from the fact that the President identified himself with it by furnishing arms to those connected with the project. This may have induced you to characterize the expedition as you have in your tirade against Texas. Whatever part the President bore in this transaction was contrary to law and in violation of his duty. A large portion of the people of Texas were not apprised of the existence of such an enterprize. You doubtless would insist that it had means of offence against Mexico. So far as their preparation could give character to the undertaking, by carrying with them artillery and other munitions of war, it can be accounted for most readily. They had to pass through a wilderness six hundred miles from the frontier of Texas before they could reach Santa Fé. It was reasonable to suppose that they would encounter many hostile tribes of Indians; and it was proper and necessary that they should be in a situation to repel any attacks made upon them; and, as their objects were pacific, they were justified in resisting aggression from any quarter. The instructions given to them by the President did not contemplate hostilities; but that the enterprize would terminate without bloodshed and violence. Scientific gentlemen from Europe and the United

accompanied them - not for warlike purposes, but for the purpose of adding rich stores to the treasury of science. It had likewise been communicated to the peoples of Texas that all the inhabitants East of the Rio Grande were anxious to enjoy the benefits of our institutions. You cannot allege that you were not willing to admit the justice of our claims to the Rio Grande, or that you were not anxious to facilitate the object. Your communication to me on that subject is conclusive. Texians were apprised of it from your repeated declarations to that effect while in this country and on your way to Washington City.

At the time the expedition started no hostilities were carried on between this country. Commissioners from General Arista were at Austin at the time the party started for Santa Fé. They were kindly received and made the most sincere professions of amity and reconciliation with this government. They were treated with kindness, and corresponding commissioners appointed to General Arista. To them every civility was extended; and they were permitted to return without molestation. This was the attitude of the two countries at that time. Will you allege that this was not sanctioned by your government - or will you insist that it was a trick of diplomacy? For myself, I would not have been deluded by any professions which might have been tendered to Texas by Mexico, when a departure from the most solemn pledges would result in injury to the former and benefit to the latter. That the ministers of General Arista played their parts with fidelity to their instructions, I have no doubt; and that all the information that could be derived in relation to the trading company was faithfully transmitted to the Government of Mexico. Nor do I doubt but that the population of the Northern parts of your country, so soon as the intelligence was received, were thrown into the utmost consternation; and a nation numbering eight millions of people, inhabiting "valleys, mountains, towns and large cities", "by so many titles respectable," was convulsed at the apprehended approach of three hundred Texian traders.

But what has been the sequel of this expedition? On their approach to the settlements of the Rio Grande, they obtained supplies from the inhabitants, not as a hostile and marauding party, but paid a valuable consideration for every supply which they obtained. They were met by the Mexican authorities with overtures of peace, assurances of friendship and pledges of security, provided they would give up their arms for the purpose of tranquilizing the Mexican population. Detached as the company was into parties remote from each other, and deluded by pledges, they acquiesced in the wishes of the authorities of the country; - thereby evincing to them that they had no disposition to disturb the tranquility of the inhabitants, and that their objects were pacific. But no sooner were they in the power of the authorities than they were stripped of their clothing, deprived of everything valuable, treated in the most barbarous manner and marched like convicts to the capital of Mexico. On their route, every act of inhumanity, cruelty and hatred was evinced. When their sick and helpless condition required the assistance of Christian charity and humanity, it was denied them. They were barbarously shot, their bodies mangled and their corpses left unburied. The butchery of Mc Alister, Golpin, Yates, and others, appeals to Heaven and this nation for retribution upon the heads of their inhuman murderers. You may allege that you did not authorize the perpetration of these outrages committed upon men who had violated no rule of law known to this civilized age. This will be no excuse for you. Your sanction to these acts is as culpable as their perpetration was degrading to their authors. Their detention as prisoners by you, may gratify the malignity of

little minds; but the just, the chivalric, the brave and the generous of all nations may pity, but must despise your conduct.

Had it not been for the faithless professions tendered to them and their too credent belief, they could have maintained their position against all the forces of Northern Mexico; and, if necessary, could have made good their retreat to their homes, defying the "generous effort of the people of New Mexico." Your conduct upon this occasion will present your humanity and sense of propriety in very awkward contrast with the treatment extended to you and your followers after the victory of San Jacinto, being not, as you suppose, one of the "freaks of fortune", but one of the accompaniments of that destiny which will mark the course of Texas until the difficulties between the two countries shall be satisfactorily adjusted. But you declare you will not relax your exertions until you have subjugated Texas - that you "have weighed its possible value", and that you are perfectly aware of the magnitude of the task which you have undertaken - that you "will not permit a colossus within the limits of Mexico" - that our title is that of "theft and usurpation", and that "the honor of the Mexican nation demands" of you "the reclamation of Texas" - that "if it were an unproductive desert, useless, sterile, yielding nothing desirable and abounding only in thorns to wound the feet of the traveller," you would not permit it to exist as an independent government, in derision of your national character, your hearths and your individuality. Allow me to assure you, that our title to Texas has a high sanction - that of purchase - because we have performed our conditions - that of conquest, because we have been victorious. It is ours, because you cannot subdue us - it has been consecrated ours, by the blood of martyred patriots - it is ours by the claims of patriotism, superior intelligence, and unsubduable courage. It is not a sterile waste or a desert. It is the home of freemen - it is the land of promise - it is the garden of America.

Every citizen of Texas was born a freeman, and he would die a recreant to the principles imbibed from his ancestry, if he would not freely peril his life in defence of his home - his liberty and his country. Although you are pleased to characterize our occupation of Texas and defence of our imprescriptible rights, as the "most scandalous robbery of the present age", it is not one fourth of a century since Mexico perpetrated a similar robbery upon the rights of the crown of Spain. The magnitude of the theft may give dignity to the robbery - in that you have the advantage. That you should thus have characterized a whole nation, I can readily account for.

Heretofore, you entertained the opinion that Mexico could never conquer Texas; and, if it were possible for her to drive every Texian from the soil, that Mexico could not maintain her position on the Sabine, and the retreat of her army would be the signal for the return of the Anglo-Saxon race; who would reoccupy their homes and pursue the Mexicans as far as the Rio Grande; and that Mexico, in preservation of the integrity of the territory which she then possessed would gain an advantage by abandoning all hopes of conquering Texas and direct her attention to the improvement of her internal condition. Your recent opinions, as declared by you, appear to be at variance with these speculations; and are most vehemently avowed. It is an attribute of wisdom to change opinions upon conviction of error, and perhaps, for it, you are justifiable: at least, I discover that you have one attribute of a new convert. You are quite zealous and wordy in the promulgation of the doctrine which you have espoused.

Sir, from your lenity and power, Texians expect nothing - from your humanity less: And when you invade Texas you will

not find "thorns to wound the foot of the traveller;" but you will find opposed to Mexican breasts, arms, wielded by freemen, of unerring certainty and directed by a purpose not to be eluded. Texians war not for gewgaws and titles. They battle not to sustain dictators or despots. They do not march to the field unwillingly - nor are they dragged to the army in chains, with the mock title of volunteers!

For awhile they lay by the implements of husbandry and seize their rifles. They rally in defence of their rights; and when victory has been achieved they return to the cultivation of the soil. They have laws to protect their rights. Their property is their own. They do not bow to the will of a despot; but they bow to the majesty of the constitution and laws. They are free men, indeed. It is not so with your nation. From the Alcalde to the dictator all are tyrants, in Mexico; and the community is held in bondage, subject, not to law, but the will of a superior, and confined in hopeless subjection to usurpation.

In an individual so intelligent as yourself, it does seem to me that you have evinced very bad taste by adverting to the subject of slavery in the internal affairs of this country. Your opinions, whilst here, on this subject, were freely and frankly avowed. You then believed that it would be of great advantage to Mexico to introduce slave labor into that country - that it would develop her resources by enabling her to produce cotton, sugar and coffee, for purposes of exportation, and that without it she would be seriously retarded in her march to greatness and prosperity. Your sympathy and commiseration at present expressed are no doubt very sincere, and I only regret that they partake so little of consistency.

You boast that Mexico gave the noble and illustrious example of emancipating her slaves. The fact that she has the name of having done so has enabled you to add another flourish to your rhetoric. But the examination of facts for one moment, will disclose the truth. The slaves of Mexico, you say, were emancipated. Did you elevate them to the condition of freemen? No; you did not. You gave them the name of freedom but you reduced the common people to the condition of slaves.

It is not uncommon in Mexico for one dignitary upon his hacienda to control from one hundred to ten thousand human beings, in a state of bondage more abject and intolerable than the negroes on any cotton plantation in this country. If an individual in Mexico owes but twenty five cents, by application to an Alcalde, the creditor can have him, with his family, decreed to his service and to remain in that state of slavery until he is able to pay the debt from the wages accruing from his labor - after being compelled to subsist his dependent family. This you call freedom, and graciously bestow your sympathy upon the African race. The abolitionists of the present day will not feel that they are indebted to you for your support of their cause. Had some one else than the dictator of Mexico, or the self-styled "Napoleon of the West" - the subverter of the constitution of 1824 - the projector of centralism, and the man who endeavors to reduce a nation to slavery, become their advocate, they might have been more sensible of their obligation.

Slavery is an evil. It was entailed upon us by Mexico. So far as its increase can be prevented, our constitution and laws have presented every obstacle. They will be maintained to the letter - and on account of slavery Texas will incur no reproach.

You tauntingly invite "Texas to cover herself anew with the Mexican flag." You certainly intend this as mockery. You denied us the enjoyment of the laws under which we came to the country. Her flag was

never raised in our behalf — nor has it been seen in Texas, unless when displayed in an attempt at our subjugation. We know your lenity — we know your mercy.. we are ready again to test your power.

You have threatened to plant your banner on the banks of the Sabine. Is this done to intimidate us? Is it done to alarm us? Or, do you deem it the most successful mode of conquest? If the latter, it may do to amuse the people surrounding you: if to alarm us, it will amuse those conversant with the history of your last campaign: if to intimidate us, the threat is idle.

We have desired peace; you have annoyed our frontier — you have harrassed our citizens you have incarcerated our traders, after your commissioners had been kindly received, and your citizens allowed the privileges of commerce in Texas, without molestation.

You continue aggression — you will not accord us peace. We will have it. You threaten to conquer Texas — we will war with Mexico.

Your pretensions, with ours, you have referred to the social world and to the God of battles. We refer our cause to the same tribunals. The issue involves the fate of nations. Destiny must determine: its course is only known to the tribunal of Heaven. If experience of the past will authorize speculations of the future, the attitude of Mexico is more "problematical" than that of Texas.

In the war which will be conducted by Texas against Mexico, our incentive will not be a love of conquest: it will be to disarm tyranny of its power. We will make no war upon Mexicans or their religion. Our efforts shall be made in behalf of the liberties of the people; and directed against the authorities of the country, and against your principles. We will exalt the condition of the people to representative freedom. They shall choose their own rulers — they shall possess their property in peace, and it shall not be taken from them to support an armed soldiery for the purposes of oppression.

With these principles we will march across the Rio Grande; and, believe me, Sir, ere the banner of Mexico shall triumphantly float on the banks of the Sabine, the Texian standard of the single star, borne by the Anglosaxon race, shall display its bright folds in liberty's triumph on the isthmus of Darien.

With the most appropriate consideration,
I have the honor to present you
my salutations,

"Reservado."

"Orazimba, Nov. 5, de 1836.

"Exmo. Sor. Gral. Don Sam Houston:

Muy Señor mio y de mi aprecio: — Por conducto de los Señores comisionados de V., y por mis indicaciones verbales el 2 del corriente, he manifestado a V. la importancia de mi visita à la capital de Washington, para arreglar la manera mas eficaz de terminar la question de Tejas; y como los dias pasan sin acuerdo definitivo, quando mas necesarios se hacen, yo quisiera que V. como tan interesado en el bien de este pais, agite la resolucion, usando, si le parece, de las razones siguientes.

"Quando se celebró el convenio de 14 de Mayo, se partió del principio que Tejas formaria una nacion independiente, y se requeria

el goze legal por medio del reconocimiento que à Mejico tocaba hacér. Variado aquel concepto con la declaracion, que acaba de hacer el pueblo de Tejas, de unirse à los Estados Unidos del Norte, à mi modo de vér se presenta mas sencilla la cuestion, desde el momento que se admita la pretension de los Tejanos; porque en adelante tocará arreglár este negocio al Gabinete de Washington, con quien Mexico no desdeñará entrar en esplicaciones, y en un convenio definitivo, segun se desea. El medio de allanár objeto tan importante, con ahorro de tiempo, es lo que me propongo en mis conferencias con el mismo Gabinete de Washington, conciliando à la vez todos los intereses.

"Convencido, como estoy, que Tejas no volverá à reunir se à la Republica de Mejico, quiero aprovechár tambien las ventajas que pueda alcanzarle, y evitarle los sacrificios que haria si se empeñase temerariamente en reconquistar un terreno, que le ha perjudicado mas que favorecido, reduciendo por tanto la cuestion de Tejas à un solo punto: al arreglo de limites entre los Estados Unidos y Mejico, que como V. sabe se halla pendiente algunos años hace, y podran quedár aquellos en el rio de las Nueces, en el Bravo del Norte, ù otro lindero, segun se discurra en Washington, evitandose asi contestaciones desagradables, que dilaten la definicion del asunto en cuestion, ò que motiven desconcierto entre dos naciones amigas.

"Hé aqui en sustancia el sencillo, seguro y pronto modo de poner termino à tan importante asunto; y pues que à todos interesa he hace necesario que V. facilite mi pronta marcha à Washington.

"Respecto à que mi marcha no sea directa à Vera Cruz segun el tratado secreto, no deberá estrañarse, sabidos los motivos que hacen ahora dirigirme primero à Washington. Si para esta Ciudad se conviene mi partida, desearia verificarla en compañia de los Señores Hockley, Patton y Bee, à quienes V. puede comisionar con este fin; si fueren de su aprobacion.

"Concluyo con repetir à V. lo que he pronunciado por escrito, y de palabra; que mi nombre conocido ya en el mundo, no ha de acompañarse con ninguna accion indigna, que la gratitud me es carácteristica, y por la mismo nada habrá por su parte de que arrepentirse. À V. debo la ecsistencia, y otras finezas en mi corazon imprezas, y procuraré corresponder dignamente.

"Conservese V. bueno, como desea su amigo y seguro servidor, Q. B. S. M."

"Ant°. Lopez de Santa Anna."

"P. D. Si à V. no es necesaria la carta que me dirijió el Gral. Jackson, le estimaria la remitiese con el Mayor Dn. Guillermo Patton."

"L. de Sta Anna."

"Confidential."

"Orazimba, Nov. 5th 1836."

"To His Excellency, Gen. Sam Houston;

"Respected Sir — Through the medium of the gentlemen who act as your commissioners, and by my verbal expressions on the 2d inst., I have informed you of the importance I attach to my visit to Washington, for the purpose of adopting the best and most efficient means by which the Texian question can at once be settled; and as day after day passes by without any arrangement being made, when it is of the highest importance that something definitive should be done, I beg leave to request of you, who are so much interested in the welfare of this country, that you would press that point to a speedy decision, making use, in the discussion of it, if you think proper, the following facts and observations.

"The convention agreed upon on the 14th of May, had for its fundamental principle, that Texas should form itself into an independent nation; that its right to possession should be made manifest by means of the recognition of its independence, which it was my intention to endeavor to obtain from the Government of Mexico. This principle is now totally changed by the declaration just made by the people of Texas, of their intention to annex themselves to the United States of the North; which fact, in my opinion, from the moment that this pretension on the part of the people of Texas is admitted, reduces the question to a very simple point; because it will be hereafter for the cabinet of Washington to adjust that negotiation; and with which the Government of Mexico will certainly not refuse to enter into the necessary explanations, and agree upon some mutual and definitive arrangement. Without loss of time and with the view of obtaining so important an object, by which all interests will be thus conciliated, is what I propose to do in my conference with the Cabinet of Washington.

"Convinced as I am that Texas will never reunite itself again with the Republic of Mexico, I feel desirous that my country should derive all the advantages she can yet obtain; and avoid the sacrifices she would undoubtedly sustain by a rash attempt to recover a country from which she has derived no real benefits, but, on the contrary, very heavy burthens. It is thus that the Texian question is now reduced to this simple point for consideration: <u>the settlement of the boundary line</u> (los limites) <u>between the United States and Mexico</u>, which, as you well know, has been pending for several years and which by being properly argued and discussed over at Washington, could be easily fixed either by the river Nueces, the Rio Grande or some other point of demarcation; thus avoiding much unpleasant strife which, in the end, might retard the subject matter in question or disturb the amicable relations of two friendly nations.

"Here, therefore, you have the substance of the plain, certain and prompt manner by which this important subject can at once be adjusted; and it being in the interest of all, it is necessary, therefore, that you should facilitate my immediate departure for Washington.

"Although my journey will not be direct to Vera Cruz, according to the stipulations contained in the secret treaty, yet this will not be found strange, when the motives which compel me first to proceed to Washington are so well known. If I am permitted to repair to that city, I should be much pleased to do so in company with Messrs. Hockley, Patton and Bee, whom you can commission to that effect, if these gentlemen will meet your approbation.

"I close this by repeating to you what I have already said in writing and by words, that as my name is now known to the world, I shall never permit it to be sullied by any unworthy action of mine, that gratitude being characteristic with me; consequently you shall never have cause to regret or repent what you have done.

"To you (à V.) I owe my existence, and many other friendly acts which will remain engraven in my heart; and for all of which it will be my special duty to endeavor to make a worthy and deserved return.

"That your health may long be preserved, is the wish of your sincere friend and servant, Q. B. S. M."

"Ant. Lopez de Santa Anna."

"P. S. – If you have no use for the letter addressed to me by General Jackson, please return it to me by Major William Patton."

"L. de Sta Anna."

"Executive Department,
"Columbia, November 6., 1836.

"To the Honorable, the Senate.

"Gentlemen – Your resolution of the 11. inst., in relation to the Mexican prisoners generally, containing the particular provision in relation to Gen. Santa Anna and Almonte, has been submitted to me, and that consideration given to it which the press of business and its importance required.

"At a time like this, in the outset of our constitutional government, harmony in its coördinate branches is of the most undeniable importance. So far as this can be ensured by a coöperation and acquiescence with the action of either of the other departments, I shall enjoy a singular pleasure. But whenever I conceive that impolicy has been pursued, or any encroachment upon the rights of the Executive functions, I will feel constrained to make my exceptions.

"In the resolution referred to, I cannot concur. When Gen. Santa Anna was defeated and taken prisoner, I felt, from the unrestricted powers with which I had been invested by the Convention, that I had confided to me the disposition of the prisoners. Under this impression, I was in favor of saving the lives of the prisoners, and referring any arrangement affecting our future relations with Mexico to the government; and because I believed that by referring the subject to the Cabinet I would be rendering a benefit to Texas; as it would exhibit to the world a civil and not a military government.

"The course which I then suggested to the cabinet was not pursued; and it was not until the month of September that a project in our favor was presented to the President of the United States; and after that Government had been apprised that Mexico would not recognize any act of Gen. Santa Anna whilst a prisoner.

"The secret treaty had accompanied his application to that government. When that treaty was concluded and his release stipulated for, there was a manifest reason for the opposition which existed to the measure. The enemy were in force within the limits of Texas, and might have been rallied and again overrun the country. There was then every reason for his detention – our own preservation.

"I apprehend the same reasons at least do not at present exist. At that time it was policy as well as feeling to retain him and the prisoners as hostages. He could then have given cohesion to

his friends and those in favor of the central system in Mexico. At this time, we are informed that the parties of Mexico are various and discordant in their views and interests. At that time Gen. Santa Anna was to repair to Mexico. His wishes at this time are to repair to Washington City, varying, voluntarily, that article of the treaty which stipulated for his landing at Vera Cruz. By his proceeding to Washington and being present with our Minister, he certainly would be in a condition to afford facilities in the attainment of our objects – either independence or annexation to the United States.

"I now regard our national standing as connected with the preservation of his life. Without life he would avail us no more than so much in weight of common earth. The climate in which he is now located and his mode of life are so different from those to which he has been accustomed, that they must have a decided influence upon his health and constitution. Is it not possible – or even probable – that he may die within the course of the present season? Should he do so, would Texas, as a people escape the imputation of having poisoned him? Or may not some rash person (as has been attempted) take his life, by violence? In either event we should feel deep regret; and Texas would experience the moral effect of such an occurrence.

"The conscious rectitude of our conduct and motives would form no barrier against the aspersions of the enemies to our cause. If he is allowed, as he requested of the assembled wisdom of Texas, to depart for the City of Washington with an escort, those embarrassing considerations will at once be abrogated.

"By his detention, what possible advantage can result to Texas or her interests? None, that I can perceive. By pursuing one course an advantage may result – by pursuing a different one, I can anticipate no possible advantage to the country or its true interests.

"Other considerations connected with the prisoners generally, as well as with Gen. Santa Anna, must press themselves upon Congress. If they are retained as prisoners, they must be sustained and clothed. Are we in a condition at this time to do so? We are not. They have already, owing to the policy pursued by the Government, been the cause of reducing our army to a most deplorable condition of want. It has been and is at this time, without bread; and the men are naked. A less sum than one hundred and fifty thousand dollars for one year will not support the prisoners, while they must remain a dead expense to the country.

"These are matters which we must realize the effects of, and the sooner we look them in the face, the more advantageous it will be for the country. If these are evils and we are liable to them, let us work while it is yet day, for the night cometh when no man can work.

"I would respectfully suggest that some plan be devised by which the country can be relieved of this useless burthen. If they were sent home through the Consul at New Orleans, I should not apprehend much accession to the army of Mexico, or that they would again march to Texas! They are generally muleteers and packmen.

"It is a quality of our nature to avoid the contemplation of unpleasant consequences, with the hope that the probable evils which threaten us may not come upon us, and in fact they are often produced from this very cause; when they might have

been averted by enquiring into the causes which must produce them.

"The Honorable Congress must be aware that the Executive of this Government has no funds or means at his disposal, but those which are placed within his control by Congress; nor can he be made accountable for failing to perform duties, when the want of means may render the attainment of any object or measure out of his power. Congress is bound to provide means for the subsistence and clothing as well as the safe-keeping of the prisoners, and when they are placed at the disposition of the Executive he will be responsible to his constituents and the laws of the country for their application.

"The officers as well as the members of the guard, who have had charge of of Gen. Santa Anna have complained to me of their wants and destitution. The guard are without blankets, and almost naked — without shoes, and nothing but beef to subsist on. Gen. Santa Anna and his aids have thus far been supported at private expense, as well as the guard, by the officer in command, who has generously expended his own funds, whenever he could do so, for the comfort of the guard or the relief of the prisoners. This cannot long be the case.

"If Gen. Santa Anna were permitted under a safe and confidential escort to proceed to Washington City, I should unhesitatingly concur in the measure as one of sound policy at this time, and which would obtain for us, in connexion with other means, the very objects most desirable and beneficial to Texas.

"I am the more satisfied of the expediency of this course, because it has been laid before the Cabinet for their consideration; and they were unanimously of the opinion that it was proper.

"It has been apprehended that the circumstance would produce excitement in the community, and therefore it would be unwise. On this subject my opinion is decided, that whatever course the Congress and Cabinet — the representative, of the people — might adopt, would meet with their approbation; and particularly so when that course would be referring our cause, our difficulties and our interests, to the friendship and mediation of the government of the United States.

"That such a course would receive all possible attention from Gen. Jackson, there can be no doubt; from the character of his correspondence with Gen. Santa Anna, as well as his correspondence with myself, on the subject of an adjustment of the difficulties existing at this time, between Mexico and Texas. Faithless as Santa Anna may be, if he were to renew his pledges to Texas through the government of the United States, he would not dare to violate them; nor could he do so without incurring the execrations of mankind, and calling down the indignation of the United States and ensuring their zealous aid in our behalf, should it ever be required. By permitting Gen. Santa Anna to throw himself on the generosity of that government and solicit their mediation, would be the highest compliment which a nation could receive. It would exhibit the President General of eight millions of people a suppliant at the court of Washington — one who had been conquered, spared, and released by the generosity and magnanimity of Texians.

"So far as I have been enabled to regard this subject, I have been guided by what I have esteemed the true policy of

the country, and with a desire to promote its true interests. A matter of so much importance to the country, does not admit of personal or individual feelings. It should in my opinion, be looked at on the ground of policy alone.

"Thus far I have felt it my duty to state facts and submit my views to the Honorable Senate as my constitutional advisers. Should they concur with the cabinet and myself in these suggestions, and give their sanction to the measure, I shall feel strong in faith that it is wise. But should they believe that the interests of the country require them to pursue a different policy from that suggested, of such vital importance in our present situation, I will sacrafice my opinion with the greatest deference to their decision; hoping, whatever it may be, that it will redound to the happiness and prosperity of Texas.

Executive Department,
City of Houston, March 22d. 1842.

Hon. Geo. W. Hockley, &c.

Sir — I have the honor to enclose for your information, orders of Instructions to this date for the government of Brigadier General Somervell's operations. You will give such additional orders as your information and judgment may suggest. I desire that an express be forwarded forthwith to San Antonio.

With high consideration,
I am your obedient Servt.,
Secretary of War.

Executive Department,
City of Houston, March 22d, 1842.

To Brigadier General A. Somervell:

Sir — It has been communicated to the President that there is a considerable force at Bexar and on the frontier, and that they are anxious to advance upon the enemy. Should this actually be the case, and you find your force to be sufficient in strength and organization, you are at liberty to cross the Rio Grande, if you deem it discreet, entering the country by the way of Laredo, or the most eligible crossing and taking such towns above Matamoros on the Rio Grande as you think proper — taking care not to advance upon Matamoros with an insufficient force, as no certain coöperation can be ensured by sea.

You will use every precaution against surprize by the enemy. The slightest check to our forces, or defeat, would be most disastrous to Texas at this period.

You will be governed by the rules of humane and civilized warfare. Let no outrage be committed upon the peaceable inhabitants. Whatever stock and other property you can obtain from the enemy, you will have driven into Texas — taking good care not to weaken the force at your disposition. You will keep them as much in a body as possible.

Order to Brig. Gen. Somervell

There is always danger in sending out small detachments in an enemy's country.

Before you advance upon the enemy, you will communicate your plan to the President, at this place and be careful to keep the Executive constantly apprized of your movements. You will not fail, if the campaign is prosecuted, to move as soon as practicable.

If there should be a force at Victoria, as has been rumored here, and they are anxious to advance, with the prospect of doing the country any service, you will direct them to cross at some eligible point, so as to coöperate with your command. The senior Colonel in the field – should there be a Colonel's command – will be entitled to lead them.

A greater proportion of officers to the troops than the law allows, will not be sanctioned.

Should you cross the Rio Grande do not permit yourself to be unprepared. You will prosecute your operations with caution, quickness and energy. By surprizing the enemy, you will gain every advantage. Strike panic into them, and they will flee before you: but do not let this supposition throw you off your guard.

You will communicate this order to the troops. Salute the army for me, and assure them of a soldier's most ardent wishes for their success, for victory, for glory and advantage to our country.

I have the honor to be your obt. servt.,

Executive Department,
City of Houston, March 22d, 1842.

To Gen. A. Somervell:

Sir – A duplicate of the accompanying order has been sent to you, at San Antonio, by way of Austin.

Order to Brig. Gen. Somervell.

You will give the greatest efficiency to the operations of the troops.

For your success and that of the army you have my devout prayers.

Until the upper towns on the Rio Grande are taken and the stock driven in, it will not be wise to advance upon Matamoros. There should be system and coöperation in all important movements.

The archives are ordered to this place, and of course you will report to this point.

I hope you will find no sedition in camp, as no one has a shadow of right to your rank and command. You command the first brigade – your brigade is in the field, and you have the orders of the President.

Thine truly,

Executive Department,
City of Houston, March 24th, 1842.

To Messrs. A. D. Coombs and N. H. Watrous, Esquires:

Gentlemen — I have the honor to acknowledge the receipt, through you, of the copy of the proceedings of a public meeting of the citizens of Travis county, held at the city of Austin on the 16th and 17th instant, on the subject of an order issued by me to Col. G. W. Hockley, Secretary of War and Navy for the removal of the national archives from the frontier to a place of security; and also a remonstrance from the citizens composing the meeting, against their removal, and requesting the Executive "to countermand the order and permit the archives to remain at the present seat of government."

Reply to com. of the people of Austin, in relation to the removal of archives.

From all the information received, I am fully impressed with the conviction that Mexico is making preparations for carrying on a war for the subjugation of Texas; and, although the party which took and plundered San Antonio have fallen back, that it is only for the purpose of uniting with the forces now upon the Rio Grande. At what moment the threatened invasion may be attempted, I have no means of knowing, nor can it be calculated upon with any certainty.

It is indeed true that the immediate cause which induced the order for the removal of the archives, has for the time ceased to exist; but there is no assurance that it may not be renewed in a more formidable shape at an early period. The Executive is exerting, and will continue to exert all his ability and to employ all the means at his disposal to meet and repel any intended hostile aggression by Mexico upon the soil of Texas, and to sustain and protect the Southwestern frontier. For this purpose it is necessary that he should be for the present at a point where he can communicate with every part of the country, and with the city of New Orleans, promptly. It is also desirable that he should have with him his cabinet and other functionaries with the necessary papers for the despatch of business.

Austin, situated at a point remote from the sea-board and almost insulated from the whole country, eminently exposed to attack both by the Indian and Mexican foe, and liable all the time to become the very theatre of war, is deemed at this crisis, by the Executive, to be very unsuitable as a point for carrying on the multifarious operations of the government.

The Executive fully appreciates the patriotic disposition winced by the citizens of Travis county to defend the national archives at the hazard of their lives, should they be permitted to remain at Austin; and entertains no doubt their pledges to this effect would be nobly redeemed, should invasion press upon them, but the hazards of war are always great; nor could the mere possession of the archives at Austin be justly considered a suitable equivalent for loss of life which the contest might occasion — even if successful.

The destruction of the national archives would entail irremediable injury upon the whole people of Texas, and their safe preservation should be a consideration of paramount importance to that officer of the government who is responsible for such safe preservation. The constitution of the country — the supreme law of the land — the expression of the immediate will of the people, has devolved this high and sacred obligation upon the President. Should the infinite evil which a loss of the national archives would occasion fall upon the country through his neglect of imperious constitutional duty,

would be culpable in the extreme, and most justly incur the reproach of a whole nation.

While however the President feels constrained, under the consciousness of his high responsibility, and as an act of proper caution and prudence to place the archives in a place of the greatest security, he cannot perceive that this measure should create any additional harm to the citizens of the West. It is already known upon that frontier that active preparations are now making for the war with which we are threatened; and that, whether the archives remain at Austin or not, it will be prosecuted with all the means in our power until our independence is recognized by Mexico. The guarding of the archives at Austin will necessarily detach many very efficient citizens from useful service in the field; and their being allowed to remain there will in the opinion of the President, be subjecting them to useless and unnecessary hazard, whilst it would diminish the means of national defence.

From the fact of the seat of government being at Austin, has arisen the present confusion in the country. Intelligence was necessarily sent there from the point of danger, and no assistance could be afforded. Rumors came to the densely inhabited portions of Texas, whilst direct intelligence was delayed. Had the facts been known on the sea-board and in middle Texas, the whole population would not have been called out at this important season of cropping; and so long as the seat of government remains detached, the country will be liable to similar evils.

To prevent much evil and do good, was the origin of the order, which I gave to the Secretary of War and Navy, and which is renewed.

The President begs leave, in conclusion, to express his sincere esteem and respect for the very respectable portion of his fellow citizens of Travis county, whose opinions have been communicated to him through you, Gentlemen; and while he regets most deeply, that the present emergency prevents him from a compliance with their requests, he hopes the reasons now assigned (under a consciousness of events which have transpired since the date of their meeting,) will be satisfactory, and that as patriotic citizens they will sustain him in the course which circumstances have compelled him to adopt.

Be pleased to accept for yourselves, gentlemen, the assurances of the sincere regard and respect, with which

I have the honor to be your most obt. servt.,

Executive Department,
City of Houston, March 24th, 1842.

To Gail Borden, Jr., Esq..

Appointment of prize agent.

Sir — You are hereby appointed prize-agent of all prizes which may arrive, at Galveston; and in the discharge of your duties, you will conform to the laws of Texas.

I have the honor to be your obt. servt.,

Executive Department,
City of Houston, March 25., 1842.

To Gail Borden, jr., Esq., &c.

Sir — Reclamation has been made upon me by the French Minister for sundry waggons, the property of a French citizen, captured on board the schooner "Progreso."

You will take proper measures to secure the said waggons safely, and keep them in your possession and subject to such disposition as the government may make for the same.

I have the honor to be, with the highest respect,
Your obedient servant,

Instructions to Collector.

Executive Department,
City of Houston, March 25., 1842.

To Maj. Thomas J. Smith,

Sir — I have been informed that there are some persons on the frontier who have a disposition to molest the Tancahua and Lipan Indians. They cannot be good citizens, or they would wish to preserve peace with them.

Should any property be stolen from the Indians, or injury done them, I hope you will have active measures taken for its restoration and for the preservation of their friendship. If they were hostile to us, they could do us much harm in our present critical condition. If our situation should require it, they could be rendered very useful by employing them against the common enemy.

I do hope, therefore, that you and other staid citizens, who have a substantial interest in the country, and wish your homes on the frontiers protected, would deliberately adopt such measures as will prevent all probable interruption and preserve tranquility.

I have the hona to be, with great respect,
Your obedient servant,

Letter to Maj. Thos J. Smith, in relation to Indians

Executive Department,
City of Houston, March 28., 1842.

To Brigadier General E. Morehouse,
Second brigade, Texas Militia:

Sir — You will restore to Lieutenant colonel, L. H. Adams his sword, that he may return to his duty.

You will not recognize any other regimental Quarter Master than J. W. White, Esquire, until further orders. He will proceed to collect and receipt for all public arms and public stores of ~~an~~

Order to L. Gen. Mor

description, to be held subject to the orders of the War Department. — Owing to the absence of the Honorable, the Secretary of War, the Executive has given this order.

All property impressed will be restored to the owners.

I have the honor to be your obt. servt.,

Executive Department,
City of Houston, April 4th, 1842.

To Col. Thomas Wm. Ward:

Sir — You are hereby invested with all proper and necessary authority to remove the archives of the government from the City of Austin to the City of Houston.

Letter of authority to Col. Ward.

If your efforts to do so are resisted, you will immediately report the same to the President.

Facts are accumulating upon the Executive which render the removal of the public records not only important but imminently pressing. I shall rely upon your energy and discretion, to secure, in this behalf, the best interests of the government.

A force competent to effect this highly necessary object will be furnished upon your requisition.

I have the honor to be your obt. servt.,

Executive Department,
City of Houston, April 4th, 1842.

To Colonel Henry Jones,
City of Austin, R.

Sir — Certain information having reached the Executive, of acts of insubordination and opposition to the authorities of the government in a matter involving, seriously, the future welfare of the nation:

Admonitory order to Col. Henry Jones.

Therefore, in the name of the constitution and the laws of the Republic of Texas, you are hereby specially enjoined and commanded in no wise to interfere with, or obstruct, the fulfilment of the Executive order heretofore issued, directing the removal of the government archives, from the City of Austin to the City of Houston. Any such interference either directly or indirectly, by yourself or through any agent or agents, acting under your orders or countenance, will be promptly met with that punishment and disgrace due to the crimes of treason and insurrection. The best interests of the nation must not be endangered with impunity. If disaster ensues by resistance to the laws, and properly constituted authorities of the country, in a case where every consideration of prudence and propriety requires immediate action, the people

will expect the guilty to be punished. It shall be done.

Executive Department,
City of Houston, April 5th, 1842.

Passport for property of French legation.

To all to whom these presents shall come. Know ye, that Solomon L. Johnson is directed and charged, by authority emanating from the minister of His Majesty the King of the French, near this government, to remove the archives and other property of His Majesty the King belonging to his legation in Texas, from the city of Austin to the City of Houston, or any other point or place in the Republic, to which said archives and other property may be ordered. And in furtherance of this object, the citizens, of the Republic, are enjoined and required to permit their free passage; and in no wise to obstruct or impede their removal, under the penalties imposed by the laws of nations and the Republic of Texas.

Republic of Texas:

Appointment of Thos. Casey as Major.

To all to whom these presents shall come: Know ye, that I, Sam Houston, President of the Republic of Texas and Commander-in-Chief of the army and navy thereof, reposing special trust and confidence in the valor, ability and good conduct of Thomas Casey, Esquire, do, by these presents, appoint him, the said Thomas Casey, Esquire, Volunteer Aid to the President, as Commander &c., as aforesaid with the rank and grade of Major; and he will be obeyed and respected accordingly.

Volunteer aid-de-camp.

Given under my hand and seal, at the City of Houston, the 9th day of April, in the year of our Lord one thousand eight hundred and forty-two, and of the independence of the Republic the Seventh.

By the President:
Geo. W. Hockley,
Secretary of War and Marine.

Republic of Texas:

Appointment of Paul H. Earle as Surgeon.

To all to whom these presents shall come: Know ye, that I, Sam Houston, President of the Republic of Texas and Commander-in-Chief of the army and Navy thereof, reposing special trust and confidence in the skill, valor and good conduct of Paul Hamilton Earle, M. D., do by these presents appoint him, the said Paul Hamilton Earle

Surgeon in the service of the Republic; and he will be obeyed and respected accordingly.

Given under my hand and seal, at the city of Houston, the 9th day of April, in the year of our Lord one thousand eight hundred and forty two and of the independence of the Republic the seventh.

By the President.

Geo. W. Hockley,

Secretary of War and Marine.

Executive Department,
City of Houston, April 14th, 1842.

To G. W. Adams, Esq.

Letter to G. W. Adams in relation to the Indians.

Dear Sir — It is very desirable to give peace and security to the frontiers of Texas. With an eye to this object, I wish a trading house to be established on the Brazos, at some point above the settlements, where the Indians can come and trade without molestation, should peace be made with them.

It is vain to think of exterminating the Indians, for they will flee from us when they steal horses and only attack us when it can be done with advantage to themselves.

By treating with them, we would retain their friendship. Coffee has maintained friendly relations by means of trade only. If we can make peace and open a trade with them, it will furnish to them a market. As it now is, what they steal from us becomes a means of profit to them with other traders. Our prisoners made by them are also sold to traders and persons other than Texians. If we make peace, we can reclaim our prisoners. They will, also, lose their inducements either to war with us, make prisoners or steal horses; and if they choose to steal from the Mexicans and find a market on The Brazos instead of Coffee's trading house — why, we cannot help it. Let us take care of ourselves.

Good pickets and cabins should be placed at the trading houses and a good lot enclosed with stout rails. From what I know of the people on the Brazos, they would not hesitate to volunteer, when they see the advantages which would result from such an establishment. It would be of advantage to the farmer, for he could procure mules and many other articles which would be brought by the Indians.

I wish you to see the people there and suggest to them my wishes to give them security, by such means as I think will ensure the object.

Let me know by what means peace could be made with the Indians. If they can be seen, I will have peace — for it is their interest to make peace and to preserve it. By this means, I am satisfied it will not cost the government one dollar to the hundred which have been expended to keep up a mockery of war.

If peace is made with the Indians, I will appoint an agent for them, and use every exertion in my power to benefit the frontier, that our citizens may cultivate their farms in peace and free from alarms.

In a war with Mexico, the friendship of the Camanches would deprive the enemy of all their horses.

After a peace, from ten to twenty men at the trading houses respectively, would at all times be a sufficient guard. You would be enabled to command the trade from the head waters of the Trinity to the Rio Grande, which now only finds a market at Coffee's or at Santa Fé. Our frontiers will suffer no longer, nor will that of our friends. The United States can protect theirs; and when the Indians learn that those with whom they trade on the Brazos are the same people that live at Bexar, Austin, and on the Trinity, they will cease to make war upon us. The frontier will then be safe.

Keep me advised at all times of any and all important intelligence. I have not leisure to enter into a full detail of matters – nor indeed to condense my views – for a thousand things are fast preying upon me.

Do request of the people not to make the Lipans and Toncahuas our enemies. As friends, they will be of great use: as enemies they would be very annoying; and at this time Texas has enough to do with old enemies. I do not wish to provoke any new ones. Do these tribes justice – keep liquor from them, and we will have no trouble.

Truly your friend,

Executive Department,
City of Houston, April 14th, 1842.

My Countrymen.

Repeated aggressions upon our liberties – the late insult offered by a Mexican force advancing upon Bexar – and the perfidy and cruelty exercised towards the people of Texas. Santa Fé prisoners, all demand of us to assume a new attitude – to retaliate our injuries and to secure our independence.

Address to the

In adopting the course which we must pursue, neither passion nor prejudice has been cast into the scale. Reason, urged by necessity and sanctioned by patriotism, induces its adoption. We have sought to avoid war, because we have experienced its calamities. We have desired peace, because its influences are mild and beneficial – We wished to become husbandmen and farmers, and were not emulous of warlike distinction. Our desires, however, have been set at naught, and we are enforced to the execution of our purposes.

Until the late events alluded to, a partial peace had existed for the last six years. We had hoped that the reasonableness and justice of our cause, had or would soon convince Mexico, that a war conducted by her would be unjust to Texas as whilst it would operate to her own prejudice. She is however deaf to reason and will not be instructed by experience. We had hoped that her unfounded prejudices and national animosity towards the Anglo-American race would have died away. Her vanity knows no bounds, and her stupidity can only be corrected by inflicting upon her tyrannic rulers the severest punishment.

It is not the peaceful citizens of Mexico upon whom we are to make war. It is to be made upon the self-created authorities of the country – upon those who have usurped the rights of the people and become their oppressors. Oppression has broken down the spirit of the community. Liberty among them is but a name; and the term Republic is used only to sanctify the ends of extortion.

Mexicans experience more debasement under their present ~~as~~

ities than they did under the vice-royalty of Spain. Their armies are maintained by exactions. Under the name of volunteers, they are impressed and driven in chains, like cattle to the market, for the purpose of filling the ranks of the army. They are not in a situation to resist these acts of outrage; for they are deprived of the use of private arms. Millions sigh in secret, and desire a return of the happiness and protection which they enjoyed anterior to the revolution of 1812. If they had power, they would fain throw off the yoke which now galls their necks. A people under such circumstances would rejoice at an opportunity to cast aside their manacles and enjoy the privilege of self-government. They would hail the people of Texas as friends to liberty - friends to order - friends to equal rights, and enemies to the tyrants of the Mexican people. - Their dictator proclaims that he will subdue Texas. He cannot do it. He is well aware of this truth; yet he has the power to molest our frontier and depredate upon our border citizens. We can no longer submit to these annoyances - we have the means and we will use them to prevent the evils with which he would visit us.

Thus is Texas compelled to make war: a war, not of aggression, but one which the civilized world will justify - one that is due to ourselves - one to which Mexico has provoked our exertions - one to be conducted upon the most exalted principles - not directed against the nationality of Mexico - not opposed to its religion, but a war upon its despots and oppressors. - Our nation will be united in its maintenance. In its prosecution the husbandman will not be disturbed in the cultivation of his farm. The resources of Texas will be developing, whilst her arms will be employed in avenging the wrongs which she has sustained.

Although our country at this moment suffers from the universal depression in the financial condition of the world; yet Texas possesses boundless wealth. Her hundred and fifty millions of acres yet vacant and unappropriated, lying in a region the most delightful - blessed by the influences of a genial climate and the redundancy and variety of its productions - all unite to render it the most inviting portion of the globe. Watered by beautiful rivulets and navigable streams, with a soil unequalled in fertility, Texas, with these advantages, and when her lands are brought into market, will possess the means to compensate those, who may participate in her wars and recompense those who may render aid in her present circumstances.

The Executive, at the last session of Congress, urged with the most earnest zeal and solicitude the sale of the Cherokee lands so soon as they could be prepared for market. The millions arising from the sale of that portion of the public domain would have sustained the country in every emergency - prevented all burthens of taxation, and induced an enterprizing wealthy and intelligent emigration from the United States and from Europe. But that, like every other measure recommended by the Executive, which had for its object the defence or protection of the country, met with an unfavorable reception by the Honorable Congress, which left him in a most unenviable situation. He is responsible for the performance of certain duties under the constitution, and yet denied the requisite means for their execution. Under these embarrassing circumstances he must remain until the assembling of a new Congress; for he will not violate the constitution. It is a maxim with him, that where a constitution is violated, liberty cannot exist. Every infraction is an encroachment upon the rights of the citizen.

Texas possesses every means necessary to be employed for defence or invasion. The representatives of the people have the power

to appropriate those means, and the Executive has the power to make their proper application.

In the prosecution of the measures we have been driven to adopt, to render them effectual, it will be necessary to maintain order, establish union, and preserve harmony. Patriotism will be a powerful incentive to their accomplishment. Subordination to the constitutional authorities of the country and officers of the law is the foundation of all good government. In our armies, discipline must be established – subordination must be regarded, and troops must not consider themselves independent of the constituted authorities of the land. Without subordination and discipline, an army is as inefficient against an enemy and as frightful to the citizens, as a mob governed alone by violent impulse of feeling where all command and none are willing to obey. It was obedience to rule and discipline that enabled Greece to triumph over her enemies and Rome to subjugate the world. Order will always triumph over confusion. Similar conduct on the part of Texas will ensure to her arms victory and independence. All her past misfortunes can be traced to the fatal influence of discord and insubordination.

We are now called upon to act in unison and permit no diversion of our energies. Our armies must be organized according to law. Our companies, battalions and regiments must be formed agreeably to its strictest letter; and in the field they must be governed by the "army regulations." It is desired that Volunteer companies, – each consisting of fifty six men, rank and file – should be immediately formed throughout the Republic, composed of such a portion of our citizens as can best leave their homes, and whose absence will not injuriously affect the agricultural interest of the country. They will elect their own officers, and forthwith report to the Secretary of War a muster roll of the company – showing the names of the men and the condition and character of their arms. The Executive has power to accept the tender of their services, and they will be permitted to remain at their homes until the emergencies of the country shall require a call upon them, when a compliance on their part will be expected, consonant with that promptitude and chivalry with which Texians are always ready to meet the enemy in the field. In the mean time it is believed that no citizen will hesitate to contribute in giving facilities to the formation of such companies, as, with such other aid as we can command, will enable the country to maintain a war without materially burdening the mass of the population. Means voluntarily contributed might render essential service to the country, without being oppressive to the donors.

A practice which has hitherto obtained in Texas, and one not sanctioned by law – the impressment of private property – has heretofore and ever shall meet the unqualified reprobation of the President. It creates disorder in an army – is oppressive to the citizen, and often gives countenance to injustice and a cloak to thievishness. It is frequently used in time of excitement as a pretext to enable individuals to serve the country, when, in truth their sole object is fraud and imposition – or for a purpose equally base, that of procuring means to escape from the limits of Texas and avoid the difficulties in which she might be involved. No practice is better calculated to inflict indiscriminate injustice upon the citizen than that of impressment. The feeble, who most require protection, are frequently the victims of the nefarious practice. Disaffection towards the government is engendered, while loyalty to our institutions is alienated on account of their inefficiency in protecting personal rights. The Executive has never yet witnessed a case in which impressment was necessary. In defensive war the citizen is always willing to contribute his mite; and our cause does not require extortion for its support.

citizens are willing to carry the war wherever it is necessary, to secure the recognition of our independence.

The manifestations made in the late excitement do much credit to the patriotism and spirit of our citizens. They rallied to the point where they expected to meet danger, and throughout the Republic there would have been no lack of willingness to avenge our wrongs. The precipitate retreat of the enemy prevented that general demonstration that would otherwise have been made. Our citizens had left their ploughs and cast aside the implements of husbandry. They had grasped the weapons of war and expected to meet and vanquish the enemy.

The suddenness of the incursion and the alacrity of our citizens, induced them to rush to the frontier without organization or the call of the Executive. This was a noble and generous impulse, and manifested the existence of the same spirit which has always actuated the Texian people. The misfortune was that they remained without organization. The President, anticipating this evil, on the first appearance of the enemy's approach, ordered General Alexander Somervell, commanding the first brigade, embracing the Western frontier – to repair to the scene of action, assume the command and organize the forces. He was, also, invested with power, if his force would justify the measure, to pass the Rio Grande and sweep its valley as low down as Reinosa, but not to advance upon Matamoros with an insufficient force – as no cooperation could be ensured by sea. In the mean time he was to keep the President advised of his general plan of operations and of the success of his campaign – hoping thus to be able to chastise the enemy for their wanton aggressions. Gen. Somervell rendered strict obedience to orders; but owing to the absence of all discipline, the agitation necessarily arising from the condition of the men – the great anxiety of many to command and the unwillingness of others to obey – he was unable to execute the orders of the President. The object in issuing those orders was, therefore, necessarily defeated. No official communication was ever received by the President, nor had he any information of the number, condition and total want of organization of the men assembled at Bexar and Victoria, until after the arrival of Gen. Somervell at the former place. The President has taken every precaution in his power to prevent any further alarms. He has directed that two companies under experienced and vigilant officers, capable of spying, and composed of the most efficient men, should remain upon the frontier. These troops will act under the orders of the government, and will render efficient service. All troops who may attempt to visit the frontier, under the name of volunteers, and depredate "upon their own hook," will not meet with the sanction of the government; because they will be acting in violation of the laws. In all military operations, concert is indispensably necessary and troops should at all times act in obedience to the laws and the orders of the government, keeping it advised of their situation and that of the enemy. If this course is not pursued, benefit can never result to the country. If we are not obedient to our own laws we can not expect those who come to mingle with us in our struggle, to be subordinate, disciplined and useful.

The presumptuous invitation of General Arista, for Texians to return to the protection of Mexico, as well as the late incursion, was doubtless induced by a belief that we were divided in sentiment among ourselves; and that the constitutional authorities of the land were disregarded. Let us manifest by our conduct that we are faithful to

our institutions and render a manly support to the officers of the government and all who represent the laws. We can soon convince the enemy that all their hopes, arising from our dissention and insubordination, were fallacious, and that we are united and a reasonable people.

When the Executive requires troops in the field, under the sanction of the constitution and laws, he will call upon the people of Texas as a nation, and the object for which they will be called will be national. It will not be for spoil or individual aggrandizement. We will not incur the epithet of marauders, to which our enemies alone are entitled. The means to be employed must comport with the dignity of our cause, and our actions must be such as will elicit the admiration and ensure the approbation of the world.

Thus far the course of Texas has been one which has left no stain upon her national escutcheon. If our enemies degrade themselves by acts of inhumanity, cruelty and oppression, let us exhibit the beautiful contrast of mercy, magnanimity and justice. If they conduct the war by artifice, duplicity and meanness, we will meet them with frankness, boldness and chivalry. The Mexican despot should be admonished by the truth that we have sprung from a race who, since their landing at Jamestown and upon the rock of Plymouth, have never quailed before privations or been appalled by dangers. Our march to greatness cannot be impeded. The puny efforts of Mexico will be harmless. Our triumph will be that of reason, intelligence and civil liberty. We must sustain our past character, maintain the present and illustrate the future. And while commending ourselves to the approbation of men, let our course be always such as to merit the wise direction of the God of battles, who pulleth down and buildeth up nations.

Executive Department,
City of Houston, April 20th, 1842.

To Captain E. McLean:

Sir — Before it will be possible for a campaign to open against the enemy, it is important that two companies should range upon the frontier as a corps of observation.

Having great confidence in you, I hope that you will succeed in raising a company of fifty six men, or over that number. Congress placed no means at my disposal to accomplish my wishes in relation to frontier defence.

For the salvation of Texas, I do hope that as many of the young men as can, (under one hundred), will volunteer under you for six months. Previous to the end of that period they may look for very important action.

With confidence in your capacity, integrity and wisdom, I render you assurances of my friendship.

Thine truly,

Letter of Authority to Capt. E. McLean to raise company &c.

Proclamation concerning acts of certain agents

Whereas it has been represented to the President, that certain individuals are passing through various parts of the United States and claiming to be agents of certain "committees of Vigilance and Safety," and receiving contributions and aids to assist in forwarding and sustaining, with suitable implements, emigrants to Texas; and who represent the preparations in this Republic, of a warlike character, as the work of such committees, and not originating with the Executive: And whereas said agents have offered commissions to gentlemen who were about to emigrate, as they say, by the authority of Gen. A. Sidney Johnston, whom they represent as in command of the army of Texas: And whereas in the year of 1835 and 1836, many persons represented themselves as agents of Texas in the United States to receive contributions from private munificence and thereby received large sums which they appropriated to their own use or squandered it in dissipation, without making any return to Texas or the government, and were infamous impostors:

This is, therefore, to apprise the generous and liberal friends of Texas in the United States that it is hoped no money or means will be placed in the hands of any person or persons from Texas, who are not appointed by the President or by his orders: Inasmuch as the aids which have been already contributed to the agents of said committees, by our noble and generous friends, have not been reported to the government and are therefore not available to the use of the cause for which they were designed, it is desired that no more may be placed at their disposition, but in the hands of the government agents and reported to the principal Texian agent at New Orleans, and a duplicate report to the Secretary of War at Houston — also, all contributions which may be hereafter afforded.

Now, be it known that I, Sam Houston, President, and Commander in-Chief of the army and navy of Texas, do, by these presents declare, that all representations which have been, or may be made by persons from, or of Texas, not appointed by the President or under his orders, are calculated to mislead the friends of Texian emigration and are therefore disavowed by the Executive. It is further declared, that the war in which Texas is involved is a national war, and one of principle, which has for its object the recognition of our independence, and originating in and directed by the constitutional head of the nation; and that it is no marauding association, which has for its object pillage and spoil. Tenders of commissions in the army of Texas by the said agents of committees, are acts of audacity and impudence and are without any semblance of authority. General Johnston is a private citizen and holds no command under the authority of the government. — The people of Texas are united in the holy cause of liberty; and all the reports which the factious and seditious may attempt to propagate for the purpose of embarrassing the government, will recoil upon the heads of the malignant and imbecile few, (if any there be) in Texas, who may dare to raise a parricidal arm against their country.

Done at the City of Galveston, on the 25th day of April, in the year of our Lord, 1842, and in the seventh year of the independence of the Republic of Texas.

Galveston, April 29th, 1842.

To Hon. A. S. Lipscomb, and others, committee:

Gentlemen, — I have the pleasure to acknowledge the receipt of a copy of the proceedings of a meeting of the citizens of Galveston, held at the Merchants Exchange on Tuesday, the 26th instant.

Reply to address th. of Com. of citizens at Galveston.

In responding to this expression of so large and respectable a portion of my fellow citizens, I avail myself of the occasion to assure them of the high appreciation with which I have viewed the ardor and determination displayed on their part to vindicate in arms the rights and interests of the Republic.

The enterprise in which we are about to engage possesses all the interest which can attach to a national transaction of the first magnitude. So far as the expression attaches to me, as the Executive of the nation, I cannot too highly value it, and as it is the emanation of patriotism, I take pleasure in rendering the assurance that all the means which may be within my control shall be employed in giving action, certainty and effect to the enterprise — and that, too, at the first moment that will promise success and renown to the cause of our country and arms.

I have the honor to be your obt. servt.,

Executive Department,
City of Galveston, April 30th, 1842.

To Col. Barry Gillespie:

Sir — Reposing special trust and confidence, in your discretion, wisdom, patriotism, capacity and integrity, I do hereby appoint you General Agent of this government to New Orleans.

Appointment of agent at N. Orleans.

You will be careful to appoint no one to act with you or under your orders, in whom you have not implicit confidence. To prevent imposition upon our friends in the United States, is all important. You will correct any and all abuses which may exist by persons claiming to be agents of Texas.

You will render all aid in forwarding troops and aids to the Republic, and see that no cash (contributed to this government) be expended unless by the special order of the President or Secretary of War.

You will keep the Secretary of War apprised of all important intelligence which you may possess, in relation to the interests of Texas. You will receive all instructions which have been sent to Col. Daingerfield and Col. Washington. They will report to you any and all agents appointed by them.

You will have a supervision of the transactions of the Mississippi Valley, which may relate to Texas, in the present crisis.

You will report to the Secretary of War all matters of importance.

I have the honor to be your obt. servt.,

Executive Department,
Galveston, May 2d., 1842.

To Gen. A. S. Johnston:

Sir — Your note of yesterday's date, disclaiming any illegal acts against this government, or any participation in, or knowledge of the conduct of certain persons, who, in the United States, are representing themselves as the agents of certain "committees of vigilance", in this country, acting in entire independency of the constituted authorities of the country — and who, it has been represented to the Executive, are offering to grant commissions in an army to be commanded by yourself — has just been handed me.

Letter to Gen. A. S. Johnston.

Although my proclamation of the 25th. ultimo, did not implicate you as being concerned in the illegal and disorganizing acts of the agents spoken of, and was intended as a rebuke to such persons alone as were concerned in them — it gives me great pleasure to learn from yourself that you had no participancy in or knowledge of, such unpatriotic and mischievous acts of insubordination to the laws and constitution of the country.

The letter of Doctor Turner (a copy of which you enclosed me) has no relevancy to the facts so far as you may be concerned.

It will give me great pleasure in this trying crisis of our national existence, to receive the coöperation of all true patriots, who are capable of rendering efficient service to our common country.

Your obedient servt.,

Executive Department,
City of Houston, May 3d., 1842.

To all to whom these presents shall come or may concern, greeting.

Be it Known that I, Sam Houston, President of the Republic of Texas, and Commander-in-Chief of the army and Navy of the same, reposing special trust and full confidence in the fidelity, honor, patriotism, capacity and valor of James Davis, Esquire, do, by these presents appoint him, the said James Davis, Esquire, Acting Adjutant General of the Army of Texas, hereby giving and granting him full power and authority to act, and in all things to be obeyed and respected as such.

Given under my hand, at the City of Galveston, the 3d day of May, in the year 1842, and of our independence the seventh.

Appointment of James Davis, as Acting Adjutant General.

Executive Department,
City of Houston, May 5., 1842.

To Captain Ephraim McLean:

Sir — You will be subject to the orders of Acting Adjutant General James Davis, who has been appointed to the command of the South Western frontier. Instructions to Capt McLean.

You will communicate to him all important intelligence, which may come to your knowledge; and if needful, you will furnish him to carry despatches.

I have the honor to be your obt. servt.,

Executive Department,
City of Houston, May 5th, 1842.

To James Davis,
Acting Adjutant General of the Texian Army:

Sir — You will proceed forthwith to Corpus Christi and assume the command of the troops now there and all those which may hereafter arrive. Orders to Act. Adjt Gen. Davis.

You will have strict attention paid to the points of discipline and subordination in the service. They cannot be too perfectly matured.

Should any one attempt to interfere with your command, you will place him, or them, in confinement of the most rigid character, until further orders, or send them in irons to Houston.

You will pay all possible attention to the health and comfort of the troops as well as their moral condition.

You will exclude all ardent spirits and intoxicating liquors, not only from the post but from the limits of your command. Have all destroyed. You will establish such regulations as the good of the service may require.

Do not fail to keep the government constantly advised of the state of your command, after adopting the proper measures for its comfort, &c.

When offences are committed against the regulations of the service, you will order courts martial for the trial of the offenders.

By no means will you fail to declare martial law within your command, and apprise the spy companies of the same. Your command will embrace all the country between the San Antonio river and the Rio Grande.

Let a perfect organization be had of the troops now at Corpus Christi. It must be made agreeably to my proclamation, or address, of April 14th, 1842. — It is important for the War Department to be apprised of the amount of supplies and munitions of every kind now on hand at Corpus Christi; and the amount required.

The troops will by no means advance towards the frontier of the enemy, unless by orders of the Executive.

When cases of emergency arise, and you find it out of your power to receive the orders of the government in relation to them, you will be governed by circumstances and the greatest caution.

You will report to the Department all matters touching the Rio Grande frontier, with all things touching your command.

No advance will be attempted upon the enemy, until you are appised of it by the Department; and should any insubordinate attempt be made, or should have been commenced, you will instantly communicate it to the War Department and suppress the sedition.

The greatest, and every curse, which have befallen Texas, and every disaster and massacre, have resulted from a foolish passion to take Matamoros without means. When there are means for a successful attack, it shall be taken; and until then, any attempt would be destructive to Texas.

You will salute the volunteers and commend me to them with the assurance that the path of glory is open before them, and that to secure the prize it is only necessary for them to obey the orders of the authorities of the nation, which will be ever alive to their success and the country's honor.

I have the honor to be your obt. servt.,

Houston, Texas, May 9th, 1842.

To Col. L. B. Franks, Indian Agent, &c.

Sir, — Your favors of the 2d instant have reached me; and I have examined their contents.

Instructions to Indian Agent.

In relation to the horse claimed by Mr. Webb, you will see that the rights of the Indian holding the property in possession, are duly protected. If the property was given to the Indian by Gen. Burleson, as is alleged, he will be the proper person to whom the claimant should apply, for he will best understand the circumstances under which it was acquired and transferred. If, however, the result, upon application, should be, that the Indian has not come into possession from Gen. Burleson, then he is to surrender the property — and not otherwise.

The resignation of Joseph Taylor, dated Austin, 18th April, as Sub-agent of the Lipan and Tancahua Indians, has just been received and accepted.

I have the honor to be, very respectfully,
your obt. servant,

Houston, Texas, May 10th, 1842.

To William Iba, Esq.

Sir — Your communication of the 6th ultimo, came to hand some few days ago.

Letter to William Iba.

I thank you for your propositions; but am compelled to state, in reply, that the Treasury of Texas at this time will not admit of making the contracts which you suggest. There is no authority with the President to make engagements of the kind, without the sanction of the Congress. However much, therefore, we may need the arms you could furnish, necessity compels me to forego the pleasure and advantage of entering into contract.

I have the honor to be, very respectfully,
Your obedient Servant,

Houston, Texas, May 12th, 1842.

To Capt. H. W. Allen:

Dear Sir — Your note of the 26th ultimo was received just before your departure from Galveston. A press of business at the moment precluded an immediate acknowledgment. I now, however, avail myself of an opportunity to convey to you - and through you to your command - assurances of the lively satisfaction with which I perceive on your part and on theirs, a commendable spirit of subordination and a love of discipline, to which I shall always look with confidence as the surest basis of usefulness and success in the great enterprize in which we are all engaged.

Letter to Capt. H. W. Allen.

Accept, Sir, my best wishes, and believe me, with high respect,
Your obedient Servant,

City of Houston, May 13th, 1842.

To John S. Sydnor, Esq.

Dear Sir — If you can purchase for the use of the troops at Corpus Christi, two hundred and fifty (250) dollars' worth of sugar and coffee, I will see it paid in Exchequer money in one hundred and twenty (120) days. If any person will sell it on those terms, I will be individually responsible for the amount.

Letter of authority to J. S. Sydnor to purchase.

There is no interesting news from the West. We are looking with much interest to the coming of the New York, as doubtless much important news will come by her.

Be pleased to present me &c.
Very truly your friend,

Houston, Texas, May 17th, 1842.

To Capt. Eli Chandler.

Dear Sir — Your note by Mr. Raymond reached me in due season, and I avail myself of his return to offer you my acknowledgements for the prompt and patriotic manner in which you have complied with the wishes of the Government.

You are entitled to the honor of having made the first tender to the Department, of an organized company to commence the great work which we have before us. This fact speaks loudly for your activity and energy — and for the honorable and substantial distinction of your name. You must feel yourself and command through all the field and achievement of the future; and may all of you share many a rich and effective blow for liberty and independence.

In reply to your inquiry, whether any more than the usual complement of men may attach themselves to your company, I have to say that you may enlarge your number to twenty five.

Your experience and high character will entitle you to the consideration of the commander, whoever he may be; and it is not improbable that you may be one of the advanced company. We will therefore, procure the propriety of providing yourself with the best horses you can obtain.

I have the honor to be, very respectfully,
Your ob't servt.,

City of Houston, Texas, May 16th, 1842.

To Edwards H. Fuller, Esq.

Sir — Your letter of the 1st instant, has just been received. It may afford some gratification, though a melancholy one, to yourself and the other members of your bereaved family to learn that the government has despatched a vessel of war to New Orleans, with a demand for the persons of the mutineers who were concerned in the murder of your much lamented brother, Lieut. Fuller. They will be brought here for trial, and no doubt will receive such punishment as the heinousness of their offence may merit.

Please present my sympathetic regards and kindest condolence to your distressed parents. It will doubtless be a source of mournful satisfaction to learn that the gallant conduct and elevated bearing of their chivalric son were appreciated as his conduct deserved.

I have the honor to be, very respectfully,
Your obt. servt.,

City of Houston, May 16th, 1842.

To Hon. G. W. Terrell:

Dear Sir — You will please see and induce, if you can, Mr. Joseph Durst Letter to G. W. and Col. L. Williams to go and see the Indian tribes and make peace with them, if they can. Terrell, in rela-
let the conditions be, peace and trade, and the restoration of our people whom they hold as tion to Indian
prisoners. commissioners,

I much desire this to be done; and you will make out and give such instructions as you may deem necessary and proper.

I have the honor to be your obt. servt.,

Executive Department,
City of Houston, May 16th, 1842.

To Alexander Somervell, Esq.

Sir — You are hereby appointed Collector of Customs for the Port of Cal- Appointment
houn in the Republic of Texas, and, as such Collector you will repair to your post and of A. Somervell
take in charge the records, books, papers, furniture, and property, belonging and appa Collector of Custom
taining to your office; and proceed in the discharge of your duties strictly in accordance with law.

I have the honor to be, very respectfully,
Your obt. Servt.,

Executive Department,
City of Houston, May 17th, 1842.

To Hon. Wm. Henry Daingerfield:

Sir — Herewith you will receive your letter of appointment un- Appointment
der the law therein referred to. The exigencies of the state are such as in the Col. Daingerfil
opinion of the President, require every exertion to be made for the procurement to procure loan
of pecuniary aid from abroad.

You are, therefore, hereby directed to proceed immediately to the discharge of the duties set forth in your letter of appointment.

During your absence, the Treasury Department over which you have of late presided will be administered by an Acting Secretary.

I have the honor to be your obt. servt.,

Executive Department,
City of Houston, May 17th, 1842.

To Hon. Wm. Henry Daingerfield:

Sir – You are hereby appointed a commissioner for the purpose of negotiating the loan authorised by the act of Congress, approved 22d of January, 1839, entitled an act to authorise the President to negotiate a loan of one million of dollars. You will, of course, be guided by the provisions of the act, in the terms of your negotiation.

Appointment of Col. Daingerfield to negotiate a loan.

You are further authorised to receive proposals for the loan of any sum, not exceeding one million of dollars, upon terms other than those set forth in the above recited act.

You will from time to time be furnished with instructions through the Treasury Department.

I have the honor to be, respectfully yours &c.

Executive Department,
City of Houston, May 17th, 1842.

To William G. Crump, Esq.

Sir – You are hereby appointed Acting Secretary of the Treasury Department of the Republic of Texas; and as such, you will forthwith proceed in the performance of your appropriate duties – in all things strictly conforming to the requirements of the laws regulating your official action.

Appointment of Acting Secretary of the Treasury.

I have the honor to be, very respectfully,
Your obedient servt.,

Galveston, May 18th, 1842.

To Mr. Lumsden:

Sir – You will go, with the approbation of the government, on the mission to obtain supplies for the troops. I wish you entire success.

Letter of authority to A. McD. Lumsden to procure supplies.

The greatest difficulty will arise from the want of supplies; and I command that all persons engaged in forwarding troops to Texas, shall not permit them to embark, without the requisite supplies for six months.

No friend of Texas will aid in the contravention of my orders. They have long since been known in the United States. I do hope, therefore, the necessities of Texas will be regarded. If they are not, and emigrants come without means, Texas must be destroyed. It will be more fatal than an invasion by fifty thousand men by Mexico. – Your most obt. servt.,

Houston, Texas, May 21st, 1842.

To Col. L. B. Franks, &c.

Dear Sir — By the politeness of Capt. Duffau, I had the pleasure to receive your communications under date of the 12th and 14th instant, and avail myself of his return to reply.

I have not time to furnish you with particular instructions as to the prosecution of your duties under the circumstances which surround you. You will therefore have to use your prudence and discretion in doing what shall seem best for the Indians under your charge and for the public good.

Your exertions thus far have been characterised by patriotism and a lively regard for the reciprocal welfare of both the white and red man.

I learned with much regret the fact that the horse of Mr. Joseph Taylor, your subagent, had been taken from him under color of impressment, by order of Colonel Henry Jones; thereby depriving a government agent of the means of executing his duty at a critical period in the late difficulties. I am now informed by you of a similar act towards yourself. You may rest assured that conduct so outrageous and dangerous to the public interests, shall, in due season, meet deserved rebuke and punishment.

I am sorry to inform you, that it is utterly <u>impossible</u> to furnish you at this time with any pecuniary assistance. There is not one dollar in the Treasury, which has not been cancelled, nor can arrangements be made before the lapse of some month or six weeks to issue any more. We are all in great straits for the want of means; but, for the sake of saving our only hope in the way of a currency, under existing embarrassments, we cannot venture to throw any more into circulation until what is now out has been nearly or quite all absorbed. In the mean time we shall have to suffer and do the best we can. You may, however, rely upon obtaining what is your due, as soon as any one else receives similar accommodation.

I send you the paper &c., which you requested.

Accept my best wishes for success in your efforts to benefit the country and the Indians, and believe me

Very truly yours.

Houston, Texas, May 22d, 1842.

To Col. H. Washington:

Sir, — I think it well to suggest to you, if you have not yet departed from New-Orleans, the propriety of supplying your command with a well stored medicine chest.

I have learned that the troops at Corpus Christi are suffering extensively and severely . . . . . To arrest its progress will require medical aid; but a myriad of physicians can never succeed without medicines.

I would also further suggest the <u>absolute necessity</u> of requiring all who embark in the cause of Texas to come <u>well prepared</u>. Men, thrown upon the country, destitute, will ruin us. Stragglers

must ensue, to be succeeded by sedition and discontent. Receive none who cannot come well equipped and provisioned for a campaign of six months.

Do not distribute arms to men. It is not justice to those who have incurred the expense of equipping and providing themselves. You will find men who require arms to want everything else.

By all means land no men at Galveston. The water has given out at that place and they must suffer.

Accept my best wishes, and believe me,

truly and sincerely, your friend,

Executive Department,
City of Houston, May 24th, 1842.

To Hon. George W. Terrell,
Attorney General of the Republic:

Sir — In your visit to the Eastern counties, you will examine into the condition and management of the several offices of the revenue in that Attorney General section, as thoroughly as your time and opportunity may permit, and report the result of your investigations and inquiries to the proper Department.

It is highly important to the welfare of the government that the revenue laws should be rigidly and impartially enforced; and that the officers to whom their execution is entrusted should in all respects perform faithfully their duties. You will therefore ascertain as accurately and fully as you may be able, the manner in which the public business has been conducted, and report without fail any delinquency you may discover. You will likewise give such instructions and injunctions to the proper authorities as may seem to you judicious and proper — in all cases urging the indispensable necessity of the most rigid enforcement of the laws.

The militia will always be subject to the call of the collectors of customs, for the purpose of sustaining the laws and enforcing the collection of the revenue.

I have the honor to be,
Very respectfully, your obt. servt.,

New Washington, May 26th, 1842.

To W. P. Aubrey, Esq.

Dear Sir — Being temporarily here, I have this moment received your letter of the 12th ultimo, in relation to the Mexican traders. Previous to its perusal I had seen the traders and determined to release them and their property and give them a safe passport beyond the limits of Texas, under the convoy of Captain Ephraim McLean,

Mexican traders

as far as may be necessary to ensure their safety; which orders will be given to Gen. Davis, with leave for them to trade to any extent they may wish on their present visit, except in munitions of war.

Notwithstanding the continued excitement, which has been kept up against Col. Kinney and yourself, nothing connected with either of you has ever incurred my reprehension.

For your willingness to make the troops comfortable and facilitate the wishes of the government, I feel under two fold obligation to you — one as a patriot and the other as a gentleman.

With sincere wishes for your happiness and the speedy release of your partner,

I am your obedient servant and friend,

New Washington, May 26th., 1842.

To Col. James Davis;
Acting Adjutant General, Texas Army.

Sir — Your official letter of the 20th instant, accidentally met me at this point, and its import has been considered.

Instructions, &c to Act. Adj. Gen Davis.

I have no hesitation in ordering the entire restoration of the property taken from the Mexicans, as well as their release, and suitable convoy so far as you may think proper on their way homes. The convoy should not venture so far as to incur any danger to its safety. But Captain McLean will be the proper officer to take charge of the execution of your order on this subject.

The Mexicans will have leave to trade at the Rancho to any extent which they may desire, in all things else than munitions of war and arms. They have heretofore been invited to come and trade with us, by repeated proclamations; and no prohibition has yet been issued by this government; and until those who have been in the habit of trading, know that they are prohibited by orders of this government, I should deem it an act of outrage and oppression to deprive them of their property; and, therefore, I order their liberation and the restoration of all their property.

You will find in my suggestions to you, that I left the subject of trade to your discretion, as you would be more capable of weighing the propriety of its continuance or suppression, than any one could be who was not present. I now say that you can issue such orders as your discretion may suggest for the future government of the intercourse with the Rio Grande and our southwestern frontier.

It affords me pleasure that the subject was referred to me for my decision: a different course would have rendered Texians obnoxious to a charge as odious as the conduct of the Mexicans at Bexar in their late incursion.

I have the honor to be your obedient servt.,

City of Houston, May 31st, 1842.

To Col. H. Washington:

Dear Sir — Texas is in a most deplorable situation. The introduction of emigrants contrary to orders, without supplies, has reduced us to our present calamitous condition. Why were not abundant supplies sent with them? Orders by every steamer were sent to command or suggest the imperative duty, and as often as an infraction was committed, some promise of supplies, or apology for the fact, was rendered. "They would come, nolens volens," or "they should have provisions sent to them."

Letter of instruc. to Col. H. Washington.

I wish no violation of orders. There is no excuse. If the principle is ever admitted, and discretion conceded to subalterns it has no limits. Obedience to orders is the first obligation of a soldier; and if it is once disregarded, everything will become confusion. No plan can be executed, when once designed, unless its details are carried out.

The troops sent to Galveston are in a starving condition; and they have to be quartered out on the bay shore to obtain food and water. The drill and duties of a soldier are neglected; and their expense to the country for transportation from point to place will increase the national burthen.

The orders of the government shall be obeyed, and no excuse, even the most plausible, will be accepted for their violation when evil is to result to the country or the service. I am thus plain, because the evils resulting from a disregard of orders have become intolerable. They must cease.

The question, "shall Texas be saved, or shall it be destroyed," must soon be solved. My plan would have saved it — a contrary one will ruin it.

Let the first object be to send supplies for those troops who have been sent or permitted to come without a sufficiency. The government has no means to purchase, and the men must rob for subsistence or endure famine. This has resulted from disobedience of orders. The remedy shall be applied; and provisions, with proper supplies, sent to those now here and with those who may come hereafter.

I desire that this letter may be shown to Col. Gillespie (if he may have returned) as well as to all who are or may be concerned.

I write in great haste, but with a full view of the subject.

I want every officer to stay just where his assigned duties are. If all do not, I can make no calculations upon any thing as certain which I cannot in person attend to.

I endure intolerable anguish from the want of power and means to cure existing evils, and the dread of their increase, from want and a disregard of orders.

I am truly your friend,

Executive Department,
City of Houston, June 7th, 1842.

The President presents his compliments to the Secretary of War, and requests him to make out, in appropriate form, appointments for Captain Stevenson, and others, as may be deemed expedient,

Note to Secy of War and recommendation to appts.

which will be delivered, for the time being, in the place of commissions, and until the latter can be duly prepared and forwarded.

Captain Stevenson is in town, and will leave in the next boat for Galveston. He will take down such appointments as may be ready, for Capt. Clemens and others.

If any difficulty should arise on this subject, call at this office, immediately after dinner.

I have the honor to be, very respectfully,
Your obedient servant,

Executive Department,
Galveston, June 13th, 1842

To Maj. Mills, Quarter Master &c.

Sir — You are hereby authorised and required to take charge of the Appointment of Navy Yard in the City of Galveston, and the public property of the same. You will also take an inventory and transmit it to the Secretary of War and Marine, as early as practicable.

Com^r. of Navy

Executive Department,
Galveston, June 15th, 1842.

To Acting Adjt. Gen. James Davis:

Sir — Your official communication of 6th instant, came to me on the 11th. My surprize was only equalled by my indignation at the insubordinate conduct of some of the troops.

Instructions to Act. Adj. Gen. Davis.

In the regulations of all service, there is no medium between obedience to orders and mutiny. An order once given is not a subject of question or discussion. The duty of a superior is to order and that of an inferior is to obey. The propriety or necessity of the order is not a matter for subaltern decision, but one for which the superior is amenable to the laws.

The power to judge is and must be vested in some one. The President is, by the constitution, the head of the government and the commander-in-chief of the army and navy. His orders are to govern the service; and the constitution and laws are the standard by which his actions are to be determined. He is accountable to no subaltern; but all are accountable to the laws. They require absolute obedience, and the legality of an order is not for them to discuss. Admit the principle for one moment that the inferior has the right to question the authority of a superior, and all rule and government is at an end. You had as well admit that the President has the right to question the power of the constitution and laws and their binding effect upon him. He has the power, but not the right. He can only dis-

obey them in violation of his oath. Horrible as this would be in a free government, he would still be answerable for his conduct; but to admit the right of an inferior to disobey a superior's orders with impunity, there would neither be subordination, discipline nor rule in the service. If an officer has the power to judge of the validity of the act of a superior, why, then, a soldier has the right to judge of the conduct and authority of a subaltern officer, and hence all subordination is at once destroyed, and an army becomes a mob unable to resist an enemy and only terrible to those whom it should defend.

In the late conduct of a portion of the troops at Corpus Christi, in hesitating or refusing to obey the order of the Executive there is no excuse for their misconduct and mutiny. I am proud to say that only a portion were under the influence of a mutinous spirit; and that while I contemplate the evils of insubordination on the one hand, I behold with emotions of heartfelt pleasure, the spirit of subordination and patriotism manifested by those noble and gallant spirits who were determined to obey and sustain the orders of the President, and laws. It is as honorable to the men as it is glorious to their officers, and enforces upon my mind that, whenever they may meet the enemy, Texas will have cause to exclaim, these are my heroes!

Those officers who have refused to obey the Executive orders, in relation to the traders and their property, will be ordered to report in person to the Secretary of War, at Houston; and the ring-leaders in the ranks you will "discharge dishonorably" from the service with a prohibition never again to enter the service of the Republic and to leave the limits of your commands; and you will retain their arms, as they are not private property, but were given to the Republic. You will report the names of all deserters, and of those whom you may discharge, to the War Department.

If the non-commissioned officers and privates are truly repentant and are obedient to orders, you will use your discretion relative to your conduct, when circumstances extenuative exist in their favor, or where they have been led by their officers.

Touching a desire that the President "should take command of the army in person," I have only to say that I have some reputation as a soldier and successful leader, which was acquired while associated with men who were subordinate to orders and who respected my authority. Were I now to assume a position with men who are mutinous and insubordinate, I would consider it disrespectful to my brave comrades who so gallantly fought and achieved the immortal victory of San Jacinto. Ere I will risk my life or my reputation again in the field, I must be assured that my comrades will obey my orders; for I will then be confident that we will prove victorious in arms, and that my brave comrades will refuse to contaminate their hands by robbery and plunder; but look with confidence to the proud reward of an equal division of all that is acquired from the enemy; and the most glorious of all recompense, that of always triumphing over the enemies of liberty. In other days, I have decreed rich spoil to my comrades after victory; but I never claimed a share with them except in the glory of having freed our country.

I have the honor to be your obt. servt.,

Galveston, June 15th, 1842.

To Doct. H. E. Hartridge:

Sir — In answer to your question, I have to reply that if Doctor Earle was the only Surgeon in the army attached to the Volunteers at the time you were appointed, you will rank next to him in the volunteer corps of the army; and, of course, subject to the orders of no other surgeon, agreeably to the present organization of the army.

I have the honor to be your obt. servt.,

Letter to Dr Hartridge, in relation to rank.

Executive Department,
Galveston, June 17th, 1842.

To J. D. Boylan, Esq.

Sir — You will take into possession the Hermaphrodite Brig "Retrieve", commanded by Capt. Means, to transport the troops now at Galveston and land them at Live Oak Point. You will then return with the vessel to this place, and deliver her again to the Captain or consignee. You will take especial care of the vessel.

Should Capt. Means desire to command his vessel, you will permit him to do so, and discharge him at Live Oak Point. This order you will despatch with the least possible delay.

Major James H. Cocke will furnish the meat rations requisite for the troops. You will have power to call on Col. Mills for force, should any be requisite, to carry out this order; as it is entirely necessary that the troops now here should be removed to the frontier.

I have the honor to be your obt. servt.,

Instructions to J. D. Boylan, in relation to transportation of troops.

Executive Department,
City of Houston, June 18th, 1842.

To all to whom these presents shall come or may concern — greeting.

Be it known that I, Sam Houston, President of the Republic of Texas, do, and have ordered and directed the Treasury Department to deposit as collateral security for the payment of the drafts of Commodore E. W. Moore, commanding Texas Navy, drawn upon the Treasury of the Republic, to meet the obligations of the said Commodore E. W. Moore, contracted for the use of this government, in New Orleans, so much of the appropriation made by law for the support of the Navy for the current year as may be necessary for the purpose aforesaid, not exceeding ten thousand dollars; to be paid in the new engraved Exchequer bills, as soon as any of the same shall have been issued:

Letter of authority to Com E. W. Moore.

Returned to Executive and by him destroyed.

Private

And be it also known, that so much as aforesaid of said appropriation shall be held subject to that purpose alone.

Executive Department,
City of Houston, June 18th., 1842.

To Capt. Benjamin McCulloch:

Letter of authority to Benj. McCulloch to raise company.

Sir — You are hereby authorised and appointed to raise and command a company of cavalry, to consist of not less than fifty six nor more than sixty six men, who will enter the service for six months and report themselves in readiness for duty without delay.

You will take special care that each member of the company is provided with a first rate horse and the arms and equipments requisite and appropriate for the service contemplated. Let the preparation for active and arduous duty be perfect. Every defect may, in the field, be productive of disaster.

Do not permit yourself to be diverted from the line of prudence by friendship or personal attachment to any individual who may wish to join your corps illy provided. Take care also that you have none who are not in all things ready and willing to follow you where you are ordered to lead. You will want no man with you who has not made up his mind to obey orders. When you are in the field and have a certain service to perform, it will neither be agreeable to you nor advantageous to the country to canvass your instructions and submit the question of their propriety or inexpediency to the vote of your men. I know well the fruits of insubordination; and rather than you should incorporate its elements and materials in your command, I would much prefer that it should never be formed. The latter alternative would prevent individual suffering and public damage. Had it not been for the prevalence of this destructive principle among our citizens at San Antonio, in March last, which caused a total disregard of the orders of the constituted authorities of the country, at this very day and hour we should have been in possession of the valley of the Rio Grande.

I have felt sad and my feelings have been mortified by the bitter reflection that from the phrenzy of disobedience and the machinations of selfish demagogues, who would rather "reign in hell than serve in Heaven", so much has been lost to the country. It is utterly useless - it is even the perfection of folly, to think of doing any thing without subordination. What was government, military rank and discipline in armies established for, if not to produce efficiency by ensuring concert of action and the concentrating of the greatest available strength upon any given point? Insubordination has already wrought the failure of the first step towards the invasion of Mexico. I trust in God it may henceforth cease, but I confess my fears. Some two or three massacres however will cure the evil; and without caution they are inevitable.

You will also take care that your command is not disgraced by that most dangerous and most odious of all vices - the lust of plunder. See that you have gentlemen, and not robbers as your

associates. I should be pained by any act of yours in the future which would cast a shadow or a stain upon the lustre of your past conduct as a soldier of Texas in the war of the revolution.

Plunder will not be allowed. The enemy must support the war; but even the enemy must be treated as the honor of our race and our national name will demand.

You will recommend your subalterns to me, and you are authorised to say to those who may compose your command that they will be put upon service as scouts or spies, and not attached to any particular regiment.

I have the honor to be your obt. servt.,

Executive Department,
City of Houston, June 21st, 1842.

To all to whom these presents shall come, greeting: Be it known that Pasqual Castro, the Principal Chief of the Lipans, with several of his tribe, has been on a visit on chief business to the Executive, and is now on his return to his camp in the neighborhood of Austin. On his route, it is expected and requested of all good citizens that he and his people receive evidences of friendship, and be furnished with necessary supplies of beef for their subsistence - for which payment will be made by the government, upon proper and sufficient vouchers being produced of the same having been furnished.

The Lipans have always proved themselves valuable as friends and allies in the numerous expeditions which have been sent out from the frontiers into the territories of the hostile Indians; and they may in the future be very successfully employed in the prosecution of the war against Mexico. Let them therefore, receive justice and good treatment.

Executive Department,
City of Houston, June 27th, 1842.

Gentlemen of the Senate,
and of the House of Representatives:

Events have transpired since your adjournment, which, in Second Session of the Congress, demand the action of Congress in extraordinary session. The termination of your last session left the Executive surrounded with numerous and insuperable difficulties, to which circumstances, since arising, have added causes of embarrassment requiring the exercise of all the wisdom, energy and patriotism which the nation can command. The necessary aids were solicited to meet the emergencies which have since taken place and which were anticipated by the Executive; but the Honorable Congress did not accord in his suggestions, and the precautionary measures requisite were not adopted.

A demonstration by Mexico on our frontier has taken place; and a marauding party, under the most imposing aspect, has penetrated our territory as far as San Antonio. A violent excitement and commotion throughout the country were the consequence; and our brave citizens of the frontier, without order, regularity or discipline rushed to the supposed scene of action. On their arrival however at the point of expected conflict, they found that the enemy had retreated with great precipitation. No organization of the men took place nor was any report made to the Executive or Department of War of their numbers or condition. Rumor, however, at last induced the belief that there was an assemblage of citizens at Bexar who were ready to rush with impetuosity across the Rio Grande. Acting under this impression, the Executive directed the organization of the men and the prosecution of a campaign, if it could be commenced with any prospect of success. But for various reasons this was not done. No organization, although attempted could be accomplished. Difficulties arose among themselves as to who should lead them; and, in the end, they found themselves on examination, totally unprepared for a campaign - inasmuch as they had left their homes upon a momentary summons and were destitute of the means for efficient and protracted service. The result was, they returned to their homes and the orders of the government were not executed.

Before the excitement incident to this incursion had subsided in the community, the pompous declaration of the self-created potentate of Mexico had reached our shores, denouncing the subjugation of Texas, and lavishing upon its government and people unmeasured abuse. Disregarding all the pledges which he had voluntarily made of a friendly disposition towards the recognition and establishment of our rights, he evinces upon his assumption of power, the most malignant hostility towards our country and holds out the idea of immediate invasion and "molestation."

It is not for us to act upon the supposition that this declaration, deliberately made by him, while in supreme authority, was intended merely to give him a temporary popularity at home and to furnish a pretext for levying contributions and maintaining a large standing army for the purpose of establishing himself permanently in the possession of usurped power and securing the means of oppressing his countrymen, or that it was designed only to embarrass our intercourse and relations with other countries and, if possible, in that way retard the prosperity of Texas. But we are to regard, with peculiar vigilance and attention, our internal safety and well-being, as well as our foreign relations, and secure ourselves in season against every contingency which might arise from his threats. Our past and present position towards Mexico are matters which cannot be viewed with indifference or contemplated with apathy.

If it be within the power of the nation, it is indispensable that protection be given to the frontiers. Our citizens have been and are still liable to continual annoyance from the enemy. No formidable invasion, it is true, has been attempted since 1836 - nor do I believe they will be ever able to effect its accomplishment. But though this is my firm conviction, I am nevertheless equally satisfied that they will interpose every impediment to the peace, prosperity and settlement of our frontier. I esteem it therefore the high and imperious duty of those to whom the government of the country is confided, to adopt such a course of policy as will effectually counteract the designs of Mexico. The question then arises, are we capable, with the resources at our command, of preventing these evils; and if so, shall those resources be employed for that object?

From the circumstances which have transpired, the Executive was induced to believe that it was now quite time to adopt and pursue

such a course of policy as will secure to us peace and the recognition of our independence. Under the conviction that immediate invasion was meditated, he felt himself fully authorised, under existing laws, to invite emigrants from the United States with a view of giving protection to our advanced settlements; and so far as he had power, and even beyond the means afforded him, by the government, he has proceeded in the organization of the militia, so as to place them in the best possible condition to prosecute a war, should the Honorable Congress deem it necessary or expedient to adopt such a course. At an early day, it is expected that the proper Department will be prepared to report the condition of the militia.

Emigration to some extent, has been the consequence of the invitation of the Executive; and thus far the emigrants have been sustained almost entirely by private contributions. That they can be any longer supported without the action of the government, cannot be expected. No matter how great the feeling of patriotism may be, nor how strong the conviction on the frontier of the necessity for offensive action against Mexico, individuals cannot sustain a war which properly belongs to the whole nation. The prompt attention of Congress is, therefore, invited to this subject. The time between the 20th and 28th of July has been designated for the general rendezvous of emigrants upon the frontier; and if Congress should think proper to decide that invasion should not take place, it is important that the fact should be immediately known. If, on the other hand, war should be determined on, it is indispensable that coöperation should immediately take place between the emigrants and the militia of the country in its prosecution.

The citizen who resides upon the frontier of the Southwest, subject to continual alarms, and he who is located in conscious security upon the banks of the Sabine, constitute each an integral part of the national community, and, under the law, the protection of them as well as all our citizens, in the rights of life and property, should be the object, as it is the duty of the government. Unless continued and permanent protection is given to our frontier inhabitants, our settlements must recede from point to point, which will not only contract our limits, but have a tendency to create discontent and distrust in our capacity for self-government. The infelicity arising from such a state of things, must arrest our prosperity and finally prove disastrous to the country.

Were we to retaliate upon the enemy by aggressive warfare, we could at least impress them with the calamities which have thus far been incident to us alone; and create in them a desire for that peace which would be mutually advantageous to both parties. Can this be done without invasion on our part?

To enable us to adopt this course, the positive action of Congress will be necessary. It rests with them to decide.

By the constitution, the power to call out the militia is given exclusively to the Congress; and however great the necessity for calling them out might be deemed by the Executive, he would only feel authorised to do so in case of actual invasion or insurrection.

Not having heretofore been an advocate for offensive measures, the Executive has looked with peculiar interest and solicitude to the subject — owing to our recent and present condition. If we could possibly anticipate the establishment of amicable relations with Mexico, from the mediation of any power mutually friendly, the urgency of action on the part of this government would be diminished, and we might hope to arrest evils which the conduct

of Mexico seems to enforce upon us. Our citizens could cultivate their farms in peace, and grow rich by industry, while the emigration of foreign capitalists to the country would add to the national wealth and increase our store of intelligence and enterprize. But from the manner in which offers of mediation have been received and treated by General Santa Anna, the Executive is confidently assured, upon the highest authority, that Texas can expect nothing from that desire. Being advertised of this fact then, we must assume an attitude that will protect us from future inconvenience and danger.

Should the Honorable Congress, however, deem it unwise, or impracticable to invade Mexico, and think proper to place at the disposition of the Executive, an amount comparatively trifling, with power to establish such regulations as he may think proper, he will be enabled to maintain such a force on the Southwestern frontier as will secure it from alarm and danger, unless produced by a regular and formidable invasion.

The Honorable Congress at the last session, though respectfully called on by the Executive, refused to indicate any wish or opinion in relation to the naval arm of our defence, although at the time it was engaged in foreign service, unauthorised by law, and unexampled in the history of any other country; and thus was thrown upon the Executive the responsibility of keeping it employed without adequate provision or appropriations to meet the necessities of the service - of continuing it in the situation in which it then was, or when its commander might think proper to return, of causing it to be laid up in ordinary without means for its preservation from ruin. The contract however, under which it was absent, at length expired, and it returned at a crisis when it was deemed advisable by the Executive to have it without expense to the government, refitted and continued in active operation. It is expected that in a few days, the principal part of the squadron will be on the gulf prepared for active and efficient service.

In order to preserve one of the vessels from utter ruin, she has been placed in charge of an individual who is bound to refit and equip her for service, and hold her in a situation advantageous to the country. The steamship Zavala, though reputed one of the best vessels of her class in the American waters, for the want of repairs and the means of preservation, is now sunk, but in such a situation that, if the Congress desire it, and she is placed at the disposition of the Executive, with the necessary means she can be repaired and rendered highly useful to the government.

I need not urge the high importance of this branch of the public service, and the necessity of maintaining it at all hazards in a state of efficiency. We are apprised that all the capacities and energies of our enemy are directed to the attainment of naval superiority over us upon the gulf; and unless we are in a situation to successfully compete with them our commerce will be ruined, and many calamities visited upon us. If our sea-coast is without this means of defence, we shall be in the most vulnerable condition for attack, and we may expect the infliction of wounds from which we could not readily recover. This subject and that of our military condition, in connection with the report of the Honorable, the Secretary of War and Marine, are respectfully submitted for the examination and action of Congress.

The crisis demands the employment of all the wisdom, energy and resources of the nation. To give efficiency to whatever course

your Honorable Body may determine to be necessary in relation to our enemy, there must be a requisition made upon all our means, and their application must be regulated by discretion, and the most systematic and rigid rules; otherwise, every effort made by us will prove abortive and sink us but yet deeper into misfortune. At this time of great prostration in the financial concerns of the world, we, in common with every other people, experience a portion of the general inconvenience.

The plan presented to the last session of Congress, in relation to the revenue of the country, was not adopted. It was recommended that the direct tax, as then existing, be reduced but one half; but, instead of that, it was abolished, or what amounts to the same thing, reduced so low as not to compensate for its collection. The currency, therefore, created at that session was left to rely upon the duties arising from importations; and, consequently, the demand for our issues has been confined to that channel of the revenue. Although but a fraction more than one third of the amount authorised to be issued has been put in circulation; yet, from a want of confidence in the guarantee given for its redemption, our Exchequer paper has frequently been at a discount of fifty per centum. At least one half the revenue, also, to which the government is entitled from import duties has not been and will not be collected, unless power is given to the Executive or the Head of the Finance Department to declare and establish such ports of entry on the Red River and the Sabine as may be deemed necessary to prevent smuggling and the illicit introduction of goods into the country.

The government cannot exist without a revenue. Its officers and agents must be supported. The pittance at present afforded them, is utterly insufficient for that purpose; and some of the most active and efficient officers have retired, and others have notified the Executive of their determination to do so. They are totally unable, from their salaries, to obtain the indispensable necessaries of life. Without necessary and competent officers, no government can be properly administered. — The Executive has found his labors more than two fold greater since the commencement of his present official term, than they were during the entire period of his last administration — a period of more than two years — when he had to organize a government out of chaos and give it direction. — The means placed in his hands at this time for the conduct of the government, doe, not exceed one sixth of the amount annually allowed to his predecessor for the administration of the civil department.

The depreciation of our funds and the embarrassment of our currency, have arisen from various causes; among which are the repeal, in effect, of direct taxation, thereby cutting off an important branch of revenue — the want of power to enforce the collection of import duties, and the establishment of the warehousing system. To these may be added the failure of the recommendation made to the last session of Congress, involving, as was conceived, matter of the highest consideration in the establishment of a currency. I mean the hypothecation or disposition of a portion of the Cherokee country as a guarantee for the ultimate redemption and present absorption of the Exchequer bills.

Had the Executive been authorised to have had surveyed and brought into market, two hundred thousand acres of these lands, under such regulations as he might have deemed advisable — fixing the minimum price at two dollars per a

the entire amount of Exchequer bills would long since have been withdrawn from circulation, and a large amount of gold and silver, introduced into the country as a circulating medium, whilst the import duties would now have been paid in specie. This, too, could have been done without incurring any expense to the government. The cost of bringing into market and disposing of the lands would have been defrayed without requiring the advance of any means for that purpose. To these causes the present condition of our currency, in the opinion of the Executive, may be mainly ascribed, and he would most earnestly recommend them to the scrutiny and consideration of the Honorable Congress, believing, as he does, that the existence of the government depends upon the policy and principles he has laid down.

Without resources no civilized nation was ever known to exist, and that we have ample resources to sustain ourselves, no one who will reflect a moment can doubt. The extent of public domain owned by Texas, and yet unappropriated, cannot amount to less than one hundred and fifty millions of acres — resources, in proportion to our population, unparalleled by any other country; but yet they lie neglected and profitless

Since the present administration commenced contracts for colonizing a small portion of our vacant territory, have been made on terms altogether more advantageous to the government than any previously entered into. But these contracts can prove of no immediate avail to our finances.

If the Executive had been invested with authority to have disposed of a portion of the public domain, there is little doubt that it might have been employed with great advantage to the present and prospective condition of the currency. The policy of husbanding means for the use of posterity cannot be justified in the present emergency of our affairs. If we are enabled to leave them in the enjoyment of independence, and free from pecuniary involvement, it is all that we should desire.

Even supposing our national debt to exceed twelve millions of dollars, our means are more than sufficient to pay the whole; and, in a state of peace, our import duties alone, would be adequate to defray all the necessary expenses of government, without the necessity of resorting to oppressive taxation. Our vacant lands can be applied to the liquidation of every farthing of our national liabilities, and a large portion still remain untouched.

A matter of the liveliest interest to the community is the regular transportation of the mails; but for the want of appropriations by the last Congress, their transportation throughout the country entirely ceased. Communication between different sections and the circulation of intelligence have been wholly obstructed. On account of this state of things the Executive has found himself greatly embarrassed in disseminating as well as in receiving correct and speedy information, for he had not one dollar at his disposition for the employment of expresses, even under the most urgent circumstances. During the late excitement rumor was generally the basis of impressions and action, which, as was to be expected, not unfrequently produced unpleasant consequences in the community.

Owing to the suspension of the mails, the laws and

journals of the last session of Congress have not been distributed; and it may be remarked, that, for some cause, unknown to the Executive, an important portion of the public printing has not yet been executed.

In the recent advance of the Mexicans upon Bexar, apprehension for the safety of the government archives at the City of Austin was so great, that all business in the public offices was suspended, and those in charge of them deemed it a matter of prudence and security to secrete the public records in the earth; so that if the enemy should advance upon and sack the place they might not be so liable to destruction.

Under these circumstances, and as soon as the Executive was apprised of the condition of the frontier, and of the apprehensions entertained by the inhabitants, he immediately directed the archives and such other public property as was portable to be removed to this place. Although the emergency would have justified the step without any express authority under the constitution or laws; yet, in this case, he was not driven to the assumption of that responsibility. He acted in strict accordance with his powers and duty under the constitution. He is also fully satisfied of the policy as well as necessity of the location of the seat of government at some point within the Republic where the archives will be secure and where the functions of the government can be more efficiently exercised than they could be at a point as remote from the sea-board and as much detached from the body of settlements and the mass of population as the city of Austin. Should any occasion arise for the concentration of all the effective force of the country at some particular point on the frontier, the fact of the location of the seat of government at a point so much exposed, would necessarily draw off considerable strength from active and perhaps more valuable service in another quarter, to guard the archives against either Mexican or Indian enemies. This embarrassment would be obviated by its location at some interior situation, where it would be secure from danger and alarm, accessible to intelligence and convenient for its dissemination throughout the country. During the last year, the expense to the government for transportation to the City of Austin, over and above what it would have been to any point on the sea board, exceeded seventy thousand dollars; and the extra cost of the transportation of the mail, aside from all other expense and inconvenience attending its remote and detached situation, amounts to many thousand more.

If we are to remain in our present unsettled condition, it is of the utmost importance that the seat of government be established at some point convenient for the speedy and efficient transaction of the public business.

From the insecurity of the public records, the Executive was induced to the adoption of the course which he has pursued, and it being in accordance with the dictates of the constitution and his own judgment, he sees no reason to revoke his decision or yield to the illegal resistance which has been offered to the execution of his orders by an association who constituted themselves a committee to contravene and obstruct the performance of his constitutional duty.

Unfortunately for the peace and welfare of the community, no law has yet been passed defining the offence of insurrection. In view, therefore, of the condition of things as they have existed and to some extent still exist, it is hoped the attention of Congress will be directed to this subject. Whilst persons are permitted to resist the laws in existence and to act with impunity in open defiance of them, obstructing the civil functionaries of the government in the discharge of their legal and constitutional duties, the rights of individuals must be sacrificed — their lives and persons rendered insecure, and anarchy triumph over order. The Congress has the power of remedying these evils by the enact-

of necessary and salutary laws, the omission to do which cannot have any other effect than to license and increase evils already existing to an alarming extent.

It is to be hoped that, under no circumstances whatever, will the courts of justice be suspended in the exercise of their appropriate jurisdiction; but that they will maintain their influence by holding their regular sessions and being at all times prepared to punish those who may violate the laws. In the opinion of the Executive nothing is better calculated to strengthen the social and political bands which should unite the members of a community, one with another, than the maintenance of an able, honest and independent judiciary. If the Congress resolve upon the prosecution of active war, it might be well, where individuals were actually engaged in the service, to suspend civil process as to them, so long as they are absent in the discharge of public or official duty – but no longer.

In thus discharging the duty which this occasion has devolved upon me, I have submitted for your consideration, what I conceived of the highest interest to the Republic; and in the prosecution of your labors you have my earnest desires that they will be conducted by intelligence and influenced by wisdom to the attainment of such objects as will afford joy to every patriot and redound with eminent advantages to our country.

Executive Department,
City of Houston, July 4th, 1842.

To the Honorable, the House of Representatives:

Special Message of the 2d instant upon Indian affairs.

In compliance with a resolution of your Honorable Body of the 2d instant, I herewith transmit a complete exhibit of the transactions and correspondence of this Department in reference to our Indian relations; from which may be ascertained what agents or commissioners have been appointed or empowered to confer with or treat with the Indians upon our frontiers, with whom amicable relations have been sought to be established; also, the name or names of such agents or commissioners, together with all the instructions and orders which have been given to any of said agents or commissioners, or any other person or persons whatsoever, acting under directions or instructions from this Department.

Executive Department,
City of Houston, July 5th, 1842.

To William G. Crump, Esq.
Acting Secretary of the Treasury, &c.

Instructions to Secy of Treasy.

Sir — You will order the auditing and payment of the claims of Capt. M. H. Nicholson, as far as may be found to be due, for services as Assistant Clerk in your

Department. — I have the honor to be your obedient servant. —

Executive Department,
City of Houston, July 5th., 1842.

To H. E. Scott, Esq:

Sir — In the event of a treaty being negotiated with the Indians to whom you are sent, associated with other commissioners, you are hereby appointed Indian Agent for such tribes and bands as may wish to resort and trade at Stroud's trading house on the Brazos.

Provisional appointment of Indian Agent.

You will assume the duties of your appointment, so soon as the treaty is made, and in all things conform to the orders of the War Department.

You will receive instructions and orders as soon as you may arrive at the trading house. You will use all expedition in despatching the duties assigned to you, as commissioner and agent.

I have the honor to be your obt. servt.,

Executive Department,
City of Houston, July 6th., 1842.

To the Honorable, the Senate.

In compliance with a resolution of your Honorable Body of the Special Message 5th. instant, I herewith transmit a statement from the Department of State furnishing the information desired in relation to certain contracts for the colonization and settlement of a portion of our vacant territory — in accordance with the laws regulating said contracts.

City of Houston, July 6th., 1842.

Mr. Luis Sanchez.

My Friend — I wish you to go with Col. Scott, and the other commissioners. I send this by Mr. Stroud, and you will go with them as Interpreter to the commission.

Appointment of Luis Sanchez for Indian service.

I will see you paid so soon as we have money to pay you. Mr. Stroud will pay your expenses on the trip; and you know that I always keep my promises to those who serve the government, when I am able to do so.

You will only talk such things as are told you to say. I rely upon you because you are a good man and prudent. You will be wise.

I am your friend,

City of Houston, 6th July, 1842.

To the Chiefs of the Border tribes.

Talk to Indians.

My friends — The path between us has been red, and the blood of our people remains on the ground. Trouble has been upon us. Our people have sorrowed for their kindred who have been slain. The red men have come upon us, and slain and taken some of our people. We found them and we slew them, and have their women and children. They are with us, and kindly treated. Our people by you have been sold; and those with you are held in suffering. This is all bad, and trouble must be while we are at war.

I learn that the red friends want peace, and our hand is now white and shall not be stained with blood. Let our red brothers say this, and we will smoke the pipe of peace. Chiefs should make peace.

I send counsellors to give my talk. Listen to them. They will tell you the truth. Wise chiefs will open their ears and hear.

You shall have peace; and your people who are prisoners, shall be given up to you on the Brazos, when the council shall meet there. You must bring all the prisoners which you have of ours.

You shall trade with our people at new trading houses, and no harm shall be done to you or your people. If you are friendly, and keep peace with us, your women and children shall not be harmed. You shall come to our council house, and no one shall raise a hand against you.

Let the tomahawk be buried, and let the pipe of peace be handed round the council of friends.

I will not forget this talk; nor will my people.

Your Brother,

Executive Department,
City of Houston, July 6th, 1842.

To the Honorable, the House of Representatives:

Special Message transmitting estimates of military estimates

I have the honor to lay before your Honorable Body, in compliance with a resolution of the 30th ultimo, estimates of the number and description of troops required for the prosecution of the contemplated campaign, and the probable amount necessary for their equipment, movement and subsistence, as furnished from the Department of War.

Executive Department,
City of Houston, July 6th, 1842.

To the Honorable, the House of Representatives.

I herewith transmit to your Honorable Body, in pursuance of a resolution of the 1st instant, statements of the several appropriations of the last session of Congress the amount drawn upon each - the amount of receipts into the Treasury from customs, and the probable amount of Exchequer bills outstanding.

Special Message transmitting financial exhibits.

Executive Department,
City of Houston, July 7th, 1842.

To the Honorable, the House of Representatives.

In answer to a resolution of your Honorable Body, of the 4th inst. requesting information relative to the prisoners of the late ill fated Santa Fé expedition, the Executive can only reply, that, although previous to the adjournment of your last session, the fate and condition of the members of the expedition were fully known to the Honorable Congress, no appropriation was, however, made to meet even the most necessary and urgent wants of the captives. The appropriations which were made, were of a specific character and designed for other objects, from which the Executive had no power to divert them. He has not therefore been able to afford any pecuniary relief; although he has felt deeply the propriety and humanity of making some provision for that purpose.

Special Message in relation to prisoners of Santa Fé expedition

The Executive has had no means or authority, other than as an individual, to take any step to ameliorate their condition or facilitate their liberation. Our relations with the government of Mexico have been such, as not to authorize any direct application in their behalf; nor was any such attempted, from the consideration of the great probability of prejudicing instead of promoting the interests and welfare of those most deeply concerned, and of invoking further indignities upon the country.

As far, however, as the Executive has felt himself at liberty to interfere in his private capacity, he has promptly and frequently rendered his most earnest efforts to ameliorate the sufferings and secure the liberation of his friends and countrymen who have been and are now in chains. He has not been insensible to their condition, nor regardless of his duty, but has done all in his power, and, he trusts, some little at least, towards the amelioration of their condition and the fulfilment of his duty as a man and a citizen of Texas.

He has met, with the truest pleasure and satisfaction, those of the expedition who have returned to their country and their friends, and he has seen, with the liveliest pride, that the hardships they have endured and the indignities they have suffered, have not conquered that spirit of chivalry and patriotism which has been so signally manifested by all.

He has also, been happy to learn from various sources that the present treatment and sufferings of our gallant, but unfortunate countrymen, are not so grievous as they had

been; but, as yet, he has not been informed of any certain prospect of their immediate liberation.

The Honorable House will not expect an exhibition of the correspondence of the Executive on this subject.

Executive Department,
City of Houston, July 8., 1842.

To the Honorable, the Senate.

Influenced by a due regard to my present and future fame as an ~~Speccial Inefpgonest~~ honest man, and by an earnest desire that, whilst the memory of events is still fresh, ~~in relation to~~ and witnesses still living, all my actions in life may be subjected to the severest and ~~certain charge~~ most impartial scrutiny; I beg leave to lay before your Honorable Body, as the most appropriate reference, the enclosed extract from a letter addressed by a correspondent to my predecessor and by him filed in the <u>secret</u> archives of the Department of State.

The statement of the present Acting Secretary of State accompanies, which will explain the circumstances, and perhaps give some clew to the motives which induced its being placed, as it was, where it would be most likely to escape the notice of the party concerned, and whence it might be, at some distant day, evolved and thrust upon the world as legitimate and conclusive evidence of the alledged crime;— and by the world it might be received as such from the fact of its having been within my reach and control and uncontradicted.

I at first regarded the affair as a silly and futile attempt upon my reputation for some present purpose; but, upon more mature reflection, I am forced to believe it was designed to have effect upon my memory when I might not be living to protect myself from an aspersion as foul as its source was probably malignant, selfish and wicked.

In making up this estimate, the fact of copies having been taken by the Expresident and one, at least, of his Secretaries, furnishes to my mind the strongest data. If they were procured for private ends alone, I have not been informed to what extent they have been circulated. I have however, learned that threats of disclosing very important evidence of my dishonesty and infidelity, and insinuations against my reputation of the darkest and most clandestine nature, have been frequently made by those who have sought to prostrate me in the eyes and hearts of my countrymen.

If employees of the government have, heretofore, received the substance of the people to fabricate and propagate defamation, it was no more than I had ground to expect; for those who are themselves corrupt and unworthy are always ready to assail that fame and virtue which they have not exaltation of spirit sufficient to emulate.

Without self-reproach, I have thus far performed the obligations which have rested upon me as a private citizen and public officer; and now, without fear, I apprise the world that I invite the fullest investigation into all my acts and motives.

I have to request, therefore, of your Honorable Body, that this foulest of secret machinations, of malice and of slander, may

be entered upon the journals of the Senate; and that nothing whatever may be secret with which my name is connected.

Executive Department, 5th July, 1842.

Mr. Joseph Waples,
Acting Secretary of State.

Sir — You will state to me what you know in relation to the correspondence of Mr A. S. Wright, with any of the officers of this government, and under what circumstances, and what has become of the correspondence; with a copy of such parts as relate to the conduct of any person or persons now in office under the constitution.

It is desirable that this should be rendered to the Executive immediately:

I have the honor to be your obt. servt.,

Note to Mr. Waples, requesting information, in relation to certain charges, &c.

Department of State,
Houston, 5th July, 1842.

Sir,

Your note of this date, requesting me to state what I knew in relation to the correspondence of Mr. A. S. Wright, with any of the officers of this government, and under what circumstances, &c., &c., has been received; in reply to which I will herewith give you a copy of an extract (of which I have a copy in my possession) of a letter from that gentleman, dated New Orleans, March 18th, 1841, to the then President Gen. Mirabeau B. Lamar, together with a statement from recollection (alone) of what occurred relative to said letter; viz:

Mr. Waples' reply.

Extract of a letter to M. B. Lamar, President of Texas, dated New Orleans, March 18th, 1841.

"Note. I have learned that Gen. Houston is up for President. I would here remark what I have learned in Mexico, relative to the man; and as a good wisher to the Republic, as well as to the welfare of Gen. Houston, that it would be well that he should clear up the following reports about him, as it has caused us many enemies in Mexico, and will no doubt be a great impediment to our recognition if he should again be elected. I give you as follows. - On my way from Vera Cruz to Mexico, in a small village called Santa Fé, I fell in company with a German officer of the Mexican army, of the rank I think of colonel. He had been on a visit to Santa Anna at his hacienda (estate) and said officer lives or lived at Vera Cruz. Said officer (whose name I have noted down) informed me that he had been with Santa Anna in the expedition against Texas, and among many other interesting accounts, stated the following; viz: "It was well" said he "that Santa Anna had resources to wealth, or he would have been shot while prisoner in Texas. General Houston (God damn him, I hope in the next expedition

to Texas, that I may get a sight of him - if I don't kill him, damn me) feathered well his nest at any rate, having obtained one hundred thousand dollars from Santa Anna." - "What is that you say - you must be mistaken" - said I. "No, Sir", he continued, "I am not mistaken. The money was paid and all hands sworn to secrecy; and this was what released Santa Anna, and not that Houston expected any benefit from Santa Anna on his arrival at Mexico. The money was sent to New Orleans and paid by the house of Lizardi to Sam Houston or to his order, and those of his accomplices." - He told me much more about it, but as it was a long tale, I only noted down the particulars, and thought but little more about it, until some time after I arrived in Mexico, I was awakened by another confirmation, from a very respectable gentleman, an American of Louisiana, whose name I can give if called on so to do. His words, as far as I can recollect, are these: "Do you know, Sir," said he, "that Gen. Houston received a very large sum of money from the friends of Santa Anna, and that he has always ever since pretended to be very poor, and that I have understood he had the money carefully deposited with some particular friend of his in New York, in order to keep it a secret." My answer was that I heard something to that amount, but could not say much about it as it was so foreign to any thing I had expected. This I had understood, that Santa Anna had been released in order that he would bring about the recognition of Texas. The gentleman then remarked that he was intimate with the house of Lizardi, and that one morning while in said house, one of the clerks told him: "Well we have paid the hundred thousand that was sent us." What hundred thousand dollars do you speak of, said the gentleman. O! you know! it came from Mexico, and we paid it over, but I do not tell you any farther, but you know the man". The clerk give him to suspect and even indirectly to understand that it was paid to the order of Sam Houston.

Again, in the month of December, 1840, on my way from reconnoitering the South Pacific coast of Mexico, in the town of Silan, I fell in with a Mr. Thompson, a physician established in that place, and he, the said Thompson, from a conversation with him upon the subject of Sam Houston affair with Santa Anna goes still further to corroborate the fact, and informed me that it was no doubt a fact, at least he had no doubt but Sam Houston received the money - that the money was paid over by the house of Lizardi in New Orleans, and that a man named Christy of New Orleans done the business. I believe he said he was a notary Public.

From Silan I went to Mexico, and stated what I heard from Doctor Thompson to the same gentleman who had spoken to me on the subject.

He then informed me that he had been making some inquiry relative to the affair of Santa Anna's release, and was given to understand that the government of Mexico made up $10,000 and remitted the same to the United States for the release of Santa Anna, and that Santa Anna's wife mortgaged the estate and raised the amount demanded by Houston, save a small sum made up by Santa Anna's friends in the State of Vera Cruz.

These remarks, which I have chose to present to your Excellency's view, if you think worthy of notice and of <u>any use</u>, you can at any time by writing me, receive further information on the subject, and even the names of the two first individuals spoken of. A letter written me and sent to Wm. Bryan, New Orleans, will be received by

Yours respectfully,

(signed.) A. S. Wright."

"Please keep my name a secret in this for the present."

The foregoing note, or extract, is a correct copy of a note

appended to a letter addressed, as above stated, to Gen. Lamar, by whom it was handed to me some time during the months of June or July of the same year, with a request that I should file it among the secret archives of the Department, at the same time requesting me to give him a copy of the note as above; both of which requests I complied with. Shortly afterwards, Dr. Chalmers, the then Secretary of the Treasury, got the letter from me – I having been instructed by the Secretary of State Mr. S. A. Roberts, to give it to him. He kept it for several days. Whether he took a copy of it or not, I don't know. The letter was never seen while in my possession by any one, except the members of the cabinet.

Mr. Wright represented to the Department that he had been employed by Colonel Bee, while minister of Texas to Mexico as a secret agent of Texas, to ascertain the movements of Mexico with regard to Texas. He frequently wrote lengthy letters to the Secretary of State, and also to Col. Bee at Washington, copies of which were transmitted to the Department, where they are now on file in Austin, together with the letter above alluded to, among the archives of the Department of State. Whether President Lamar considered the appointment of Mr. Wright a valid one; or whether he recognized any of his communications as authentic or official, I am unable to say. But I am well aware that none of his letters were ever replied to by any of the Secretaries of State under Gen. Lamar's administration. The letters of Mr. W. were generally filled with the course of policy of Mexico towards Texas, giving information of the movements of her army, &c., &c., but in none except the one above named, was anything said in any way derogatory or injurious to the character of any officer of this government now in office under the constitution.

I have the honor to be, with great respect,
your obedient servant,
(signed.) Joseph Waples.

To His Excellency Sam Houston,
President. H. R.

Executive Department,
City of Houston, July 9th, 1842.

To the Honorable, the House of Representatives:

In reply to a resolution of your Honorable Body of the instant, I Special Message have to state, that, since the adjournment of your last session, further inquiry and in relation to examination have been made into the archives of the War Department; the re-assignation of sult of which has been to discover that the resignation of General Felix Huston Major General has been tendered; but, in consequence of the unsettled state of his accounts of Militia. with the Department, it was not accepted.

Executive Department,
City of Houston, July 9th, 1842.

To the Honorable, the Senate:

Special Message transmitting information in relation to the removal of the archives.

In pursuance of a resolution of your Honorable Body of the 5th instant, I herewith respectfully submit a full and complete exhibit of all the orders, instructions and correspondence emanating from the Executive or the Department of War, which have even the most remote reference to the removal of the national archives from the city of Austin; and, also, of all the correspondence with or addresses to the Executive or Department of War, on the same subject, by the people of Travis, or Travis and Bastrop counties, in their collective or individual capacity; as likewise of all proceedings and resolutions in public meeting, by the said citizens or any portion of them, so far as they have been communicated to or are known to the Executive; — with the exception only of the orders issued by Lieutenant Colonel Wallace for the detention and search of all waggons, and public and private property at the town of Bastrop, which might attempt to pass the said town from the direction of the city of Austin, without a passport in the French language; and, also, of certain orders of Colonel Henry Jones, posted up in the city of Austin, in open defiance and contempt of the orders of the Secretary of War, which he (the said Colonel Henry Jones) first tore down. Copies of these two papers will be laid before your Honorable Body at the earliest day practicable — they having, it is believed, been merely mislaid. Before your adjournment it may also possibly be in my power to present to the Senate copies of various letters written by Colonel Henry Jones, relating to this subject.

Your Honorable Body will, from a perusal of the accompanying documents, not only perceive, in the circumstances of the times, the condition of the country, and the particular events which we had then as well as now to anticipate and provide against, full and sufficient cause for the promulgation of the order for the removal of the government archives; but will perceive, also, the necessity of some legislative action to subdue that treasonable and insurrectionary spirit which has been so openly manifested in various quarters; and which, in this case has arrested the execution of an order designed to secure from probable destruction what the country is too poor to loze, and what the wealth of the world could never restore.

Executive Department,
City of Houston, July 9th, 1842.

To Maj. Asa Brigham, Treasurer, &c.

Leave of absence to Treasurer.

Sir — You have leave of absence from the duties of your office, for the purpose of going to Austin; and will return as soon as the arrangement of your domestic affairs will permit.

I have the honor to be your obt. servt.,

Executive Department,
City of Houston, July 10th, 1842.

To Acting Adjt. Gen., James Davis:

Sir — Your communications of the 3d and 6th instant have been duly received. Their contents have been noted with peculiar interest. Instructions to Act. Adj. Gen. Davis.

I regret to learn, from the first, that your ammunition in camp has been exhausted, and that you have no arms! These circumstances I infer from the fact that you permitted a portion of your command to march off in despite of your authority in open day, and that you did not interpose force to prevent it. No officer would permit such a thing, when he had the means of enforcing his commands and vindicating his character.

Had the orders of the Executive and War Department been rigidly enforced according to your first and subsequent instructions, such scenes would never have transpired. Had you had recourse to dishonorable discharge, or the enforcement of martial law, no trouble would ever have existed.

You were required, from the first order giving you command, up to this date, never to permit the introduction of liquor within the limits of your command, but to have all destroyed. You were commanded to report all deserters — neither of these orders has ever been obeyed. My orders for the restoration of stolen property were not executed. To this fact you may ascribe the present reputed invasion.

To preserve order, maintain discipline and defend the frontier, it was only necessary to have obeyed the orders received from the Department and the Executive. Can I hope that they will be hereafter executed? If not, every effort at successful warfare is worse than in vain.

I positively require the name of every deserter, since you assumed command at Corpus Christi. I require the execution of every order.

The Honorable, the Secretary of War has ordered that the deserters be returned to you. You know what constitutes the offence of desertion. You know the penalty, and the mode of ensuring it to the culprit. The law has prescribed it. I expect it to be executed. In cases of conviction for capital crime, the President has the right of approval. He will always exercise it with justice to the culprit, and with a due regard to the welfare of the country.

I have the honor to be, very respectfully,
Your obedient servant,

Executive Department,
City of Houston, July 15th, 1842.

To the Honorable Ashbel Smith,
Chargé d'Affaires, &c., &c.

Sir — I have been informed of the contemplated absence of the Honorable A. de Saligny, Chargé d'Affaires of France near this government, and of the causes which lead to it. His health is now bad, and by his continuance here during the summer and autumnal months, his life might be endangered. His absence, therefore, for a few months, meets with the approbation and advice

Letter to Chargé d'Affaires France

his friends and the government. Indeed, there is no existing necessity, within the knowledge of the government, why his presence for a short time might not be dispensed with, without detriment to either nation; but, on the contrary, it may prove advantageous to both, that he should make his expected visit, &c., &c., &c., &c.

I have the honor to be, with entire respect,
Your obedient servant,

Executive Department,
City of Houston July 15th., 1842.

To the Honorable, the House of Representatives:

In reply to a resolution of your Honorable Body of the 1st. special Message instant, I herewith transmit an estimate from the War Department of the transmitting amount required to pay, equip and provision four companies of cavalry military estimate for six months.

Executive Department,
City of Houston, July 15th., 1842.

To the Honorable, the Senate.

In pursuance of an intimation in my communication of the special Message 9th. instant, transmitting the correspondence, &c., upon the subject of the re-transmitting further removal of the national archives, I have the honor herewith to enclose a copy information contained of the order of Lieutenant Colonel M. S. Wallace, addressed to Mr. George ing the removal of Noefell, and directing the detention of waggons, the examination of trunks, the archives. &c., &c.

Executive Department,
City of Houston, July 15th., 1842.

To the Honorable, the House of Representatives:

In answer to a resolution of your Honorable Body, asking cial Message information in relation to a certain loan said to have been recently made, nsmitting in &c., I herewith submit a plan of the contract, as now on file in the nation as to Treasury Department. In consequence of the unexpected absence of contemplate the commissioner appointed to close the negotiation, occasioned, as m. I am informed, by indisposition, I am not able to lay before the House

the precise conditions of the loan. The variations, however, from the copy now furnished are unimportant.

If the report of the commissioner is received before your adjournment, it will be with much pleasure transmitted to your Honorable Body.

Executive Department,
City of Houston, July 15th, 1842.

To William G. Crump, Esq.,
Acting Secretary of the Treasury, &c.

Sir — You will prepare the amount of ten thousand dollars, in proper denominations, of the newly engraved Exchequer bills, for the redemption of the old issue, by numbering, and signing your name thereto, as Acting Secretary of the Treasury.

Instructions to Acting Secretary of Treasury.

Executive Department,
City of Houston, July 16th, 1842.

To the Honorable, the House of Representatives.

From the documents transmitted to me from the French Legation near this government, and herewith laid before your Honorable Body, it will be perceived that relief is sought by M. de Saligny as the agent of Count de Pontois, for certain losses sustained by him from the neglect or refusal, as is alleged, of the stock commissioner, to issue to him the certificates of stock to which he was entitled under the law, and which he might at that time have transferred or sold, in accordance with the instructions of his principal, &c.

Special Message in relation to claim of the Co de Pontois.

I have to ask, therefore, that the Honorable Congress, will take such action upon the subject as shall be just and proper, and as shall be satisfactory to the party aggrieved.

Executive Department,
City of Houston, July 16th, 1842.

To the Honorable, the House of Representatives.

I herewith transmit, in compliance with certain resolutions of your Honorable Body, estimates of the amount to support the Navy at sea for six months; also a statem

Spec

also statement, the War Department in relation to the disposition made of the money received from the
ate the money government of Yucatan, and also a statement from the same source, in relation to the
ion of the Government vessel which was to have been prepared for sea by private capital and
under the enterprise.

information in re-
lation to military or volunteers, &c., a transcript of a large portion of the records of the Executive and War
orders, etc. on Departments would be necessary; to accomplish which would require an amount of
military or civil labor not to be performed within any reasonable period.

for the support of
the army, &c.

In answer to the inquiry in reference to the amount of friendly contribu-
tions received, &c., I have to state that no official report or return has, as yet, been made
to the Government of any contribution whatever, with the exception, perhaps, of the
report of the Collector at Galveston, who acknowledges the receipt of a small supply of
provisions and equipments, amounting in value to less than five hundred dollars.
I have been informed that a contribution of some eight hundred dollars in money
was forwarded to one of our agents in New Orleans, from Georgia, none of which
however, ever came into the hands of the Government, or been appropriated by
order of the Executive.

Executive Department,
City of Houston, July 18th, 1842.

To the Honorable, the Senate:

I have the honor herewith to lay before your Honorable
Special Message Body, copies of orders, reports and correspondence having relation to the
in relation to the conduct, condition and operations of the foreign volunteers stationed upon
foreign volunteers our Western border. It will be seen that, from the first, a spirit of utter
insubordination and mutiny has openly prevailed, destroying every hope
of usefulness and harmony, as well as degrading by disrespect and dis-
obedience the authorities of the land from which the numerous orders so
repeatedly violated and disregarded have emanated.

It is, therefore, submitted to the Honorable Congress, whether it would
not be more politic to rely upon our own militia, and furlough or dis-
charge those who will no longer yield obedience to the laws and rules
of war enacted for their government?

I despair of reformation, and will not be accessory, through
the Department of War, of tantalizing the hopes and expectations of
our citizens who have hoped for succor from volunteer aid from the
United States. They are as expensive as they have heretofore proved
useless to our country.

Executive Department,
City of Houston, July 18., 1842.

To the Honorable, the Senate.

The Executive has the pleasure in response to the resolution of your Honorable Body of the 16. instant, desiring information touching the subject of frontier protection, to say, that no regular force has as yet been established, and for the want of means, it has been impossible to sustain any efficient force, but for a few days, when emergency has called out men.

Special Messa concerning t disposition of military forc and the prote tion of the cous try.

An order was given to Captain Ephraim McLean to raise and keep a Spy company, West of the San Antonio river, but for the want of means the order was not executed.

The volunteers from the United States were posted at the most eligible point on the frontiers, as recent events have demonstrated by the attack made upon the force under command of Colonel Davis, in which the Mexicans were gallantly repulsed by less than one third of their number.

Major Hays of Bexar and Captain Menchaca, have received orders to raise men, and act between the San Antonio river and the Rio Grande.

Commissioners have been sent to treat with all the hostile tribes of Indians on our borders. That they are disposed to make peace, may be seen from the communication of the agent herewith transmitted. A trading house, for the purpose of trade with the Indians, will be erected on the Brazos without any expense to the Government.

It is in contemplation by the Executive to promptly adopt such measures as will send the enemy across the Rio Grande, with such admonitions as will prevent a renewal of their visits within the bounds of Texas with any views of molestation or annoyance to our citizens. In the accomplishment of this object the President will be compelled to rely upon the patriotism of his fellow citizens and the employment of individual means.

/Secret./

Executive Department,
City of Houston, July 19., 1842.

To the Honorable, the Senate:

I have the honor herewith to submit, for the advice and consent of the Senate, the following nominations in the Naval service of the Republic, viz:

Nomination

E. W. Moore, Post Captain Commanding:
J. T. K. Lothrop, Commander:
D. A. Crisp, Lieutenant:
W. C. Brashear, "
Wm. Seager, "
A. G. Gray, "
A. J. Lewis, "
J. P. Lansing, "
A. A. Waite, "
Geo. C. Bunner, "

William A. Tennison, Lieutenant:
William Oliver, "
Cyrus Cummings, "
C. B. Snow, "
D. C. Wilber, "
M. H. Dearborn, "
Thomas P. Anderson, Surgeon:
R. M. Clarke, "
J. B. Gardiner, "
Norman Hurd, Purser:
H. T. Wells, "
J. F. Stephens, "
M. T. Brannum, "

The consent and confirmation of your Honorable Body, are respectfully requested to the foregoing nominations, because of the necessity frequently arising in the prosecution of the duties of the service, for an exhibition of the commissions of the various officers, both upon the high seas and in courts of justice, as recently happened in the demand of this government for the mutineers of the Schooner San Antonio.

Executive Department,
City of Houston, July 19th, 1842.

To the Honorable, the Senate.

In answer to a resolution of your Honorable Body, of this date, Special Message in relation to the revenue, I have to state, that, to ensure the collection of in relation to the the duties in the Eastern section of the country, it will be proper to authorise collection of the the collector at the City of Sabine to have authority and the means necessary revenue. to compel all vessels entering the pass of Sabine to come to and exhibit their manifests and such other papers as may be requisite, and to pay such duties and charges as are authorised by law.

It will be further necessary, that the Secretary of the Treasury, under direction of the President, establish such ports of entry on the Sabine and thence to the Red River, on the boundary line of the United States and Texas, and on the Red River, as may be deemed necessary and proper to ensure the collection of all duties which of right belong to Texas. And should any person or persons attempt to violate the laws, by introducing goods for the purpose of avoiding the payment of duties, shall forfeit all such articles in their possession as may be liable to the payment of duties: And in case of refusal on the part of any person or persons to conform to the laws and regulations, that the collector have power to call on the civil or military authorities of any county where the call will be obeyed, and have power to seize the goods wherever they may be found; and that when force shall be called out it shall be at the expense of those on whose account the same may have been called out; and that provisions and all other necessary supplies be furnished to the command which the time they may be absent from their homes may demand

I would most respectfully call the attention of the Honorable Senate to the suggestions communicated a second time to the Congress in relation to our circulating medium and the credit of the government. If some plan is not adopted by the present Congress to sustain our national credit, it will be impossible to carry on the offices of the government, or to exist as a nation. It is in vain to suppose that any nation can exist without a currency and without means. We have none – we must have some, or we sink!

I feel constrained to make this solemn avowal, from a conviction of its melancholy truth. My duty is performed! I pray God to avert impending calamities from our unhappy country.

Executive Department,
City of Houston, July 19th, 1842.

To the Honorable, the House of Representatives:

Special Mesa recommendin a plan for the support of the currency.

A resolution of your Honorable Body, of this date, asks for a plan for the improvement and preservation of our currency.

The object is of the most vital importance – upon its achievement depends the efficiency, and perhaps the very existence of the Government. Individual welfare, also, as well as the national prosperity, is deeply concerned. It is worse than vain, however, to hope for the establishment of the desired system, without first providing a basis for the superstructure. Long experience and my daily observation, have taught me to distrust the efficacy of mere articulate sounds as the ground work of confidence. In matters of finance and business, there must be something tangible – something available as a last and certain dependence and security for the fulfilment of paper promises to pay. This is peculiarly the case with a government whose faith has been so frequently broken and whose credit is at so low an ebb as our own.

To my mind, there is but one remedy – but one plan which can be adopted with any prospect of success. It is, in substance, what I have more than once, with great solicitude, recommended to the Honorable Congress, and which constituted one of the prominent inducements to convoking the present session. – Let the direct taxation be graduated at just one half what it was at the beginning of the last session of Congress: let the Executive be authorized and empowered to establish such ports of entry on the Eastern frontier as may be deemed necessary: let the collectors have the power to call out such of the militia of the country as may be requisite to enforce the laws: And, generally, let the Executive or Secretary of the Treasury be empowered to make such regulations as may ensure a speedy and efficient execution of the laws and the successful collection of the import revenues. – Let, say, four hundred thousand acres of the Cherokee Lands be specifically designated and set apart as a guaranty for the redemption of the government paper authorised by law to be issued – the said lands to be subject to the disposition of the Executive for that purpose, in such manner and at such time, as he in his judgment, may think necessary for the benefit and preservation of the currency – always presupposing that the issue of Exchequer paper be rigidly confined to the amount at present authorised by law.

Having thus laid before your Honorable Body the main points of a system, which I have the strongest confidence would prove entirely practicable and secure to the nation the great blessing of a good currency, I cannot refrain in conclusion from invoking for them your early and earnest consideration.

The condition of the country must be apparent to all. It would be unavailing to recite the causes which have produced it. It is sufficient to know that the country is in imminent peril, and that something must be done to resuscitate our sinking currency upon which so much — upon which, indeed, our all depends. The navy cannot go to sea — the officers of government cannot be supported — the government must inevitably cease its functions unless something is done, — and done quickly. Wreck and ruin are fearfully conspicuous on every hand. The period in which we could rely upon credit unsupported and the ink and paper of our statute books, has passed away. We must now turn to something tangible and substantial. It is in the power, and it is the province of the Congress to provide relief. Will they do so?

I have performed my duty; and now commit the fate of Texas to the patriotic wisdom of her assembled counsellors! May God direct them in the choice of the proper course, and avert from our unhappy country heavy and impending evil.

(Secret.)

Executive Department,
City of Houston, July 20th, 1842.

To the Honorable, the Senate:

I have the honor to submit for the advice and consent of Your Honorable Body, the nomination of Isaac Van Zandt, as Minister Chargé D'Affaires, from Texas to the Government of the United States, vice James Reily, whose resignation will take effect from and after the 1st day of August next, or before that period, if his successor can reach Washington City. The Honorable Senate will therefore perceive the importance of early action. The business of the Legation at this time is of the highest interest to Texas.

Nomination.

Executive Department,
City of Houston, July 22d, 1842.

To the Honorable, the House of Representatives:

A resolution, originating in your House, providing that Augustus Williams be restored to his command as Captain of Augustus Hill's Company ——, of Tennessee volunteers, has been laid before the Executive, and the subject duly considered.

Recits of bill restoring Augustus Williams to command

The first requisite, in the creation of an army and its or-

ganization, are discipline and subordination. Whatever is calculated to defeat these primary objects, must be ruinous to every hope of success. In the case of Augustus Williams, the most flagrant violation of the "army regulations," was perpetrated. This was the first exhibition of a mutinous disposition amongst the volunteers, and up to the present time, the camp has been but one scene of disorder, confusion and anarchy.

The exigencies of the public service imperiously demand the remedy resorted to; and it was authorised by a law approved 12th June, 1837, and from whose operation the most salutary results have been uniformly experienced. The position has been assumed, that a law of the Congress of 4th February, 1841, has been violated in the dismissal of Captain Williams. The section of that law relied upon by the Honorable Congress to sustain its action, provides only that no officer in the service of the Republic shall be "deprived of his commission, unless by the sentence of a court martial." In this case, it would have been impracticable to have assembled a court martial with any prospect of a conviction, because a sufficient number of officers to constitute a court could not have been assembled, without including some of those officers who were equally culpable with Captain Williams, and involved in the same mutinous transaction. Therefore, if a force were to be kept in the field, there was no alternative but by a prompt exertion of the power vested in the Executive by the law first referred to, to set an example of punishment that would operate as a warning upon all others disposed to commit like offences, or create like disturbance.

This course was therefore adopted, and for the authority to justify by the exercise of this power, the Honorable Congress is referred to the law of 12th June, 1837, above quoted. It is believed that the law of February 4th, 1841, has no application to the present case. It applies only to commissioned officers. Captain Williams has not been deprived of "his commission"; nor has he been deprived of any office, which entitled him to a commission by our laws. He had voluntarily abandoned the command of his company, and another gentleman had been elected to the command which he had voluntarily vacated.

Whether Captain Williams was legally elected a Major in the Texas service, is a question which it is not now necessary to determine. He had of his own free will vacated the office of Captain of the company which he commanded – another gentleman was elected to supply the vacancy thus created. By the action of the Honorable Congress, it is sought to restore him to the command of this company. To do this, the gentleman who has been elected to fill this vacancy must, necessarily, be removed. Does not the Honorable Congress perceive that this action of theirs must therefore involve them in a most disagreeable dilemma? If it were unlawful for the Executive to remove Captain Williams, is it not equally so for the Honorable Congress to remove his successor?

The law upon which their action is based makes no distinction between the departments that exercise the removing power. The Executive is therefore compelled to come to the conclusion that the action of the Congress has been precipitate, and without that reflection which should ever characterize the

conduct of deliberative bodies. — Mr. Williams was not deprived of any commission, nor of any office which entitled him to a commission in our service — he was simply dismissed from the service, in which he held no commission — and this this Executive had the right to do. A court martial was not convened for his trial, for the reasons above given, nor was it necessary — the facts alleged against Mr. Williams were admitted. There was, therefore, no necessity for a court martial to be assembled to ascertain those facts.

For these reasons, the Executive is compelled to withold his approval from the resolution now before him.

Veto of bill authorizing offensive war against Mexico &c.

Executive Department,
City of Houston, July 22d, 1842.

To the Honorable, the House of Representatives:

The bill authorising offensive war against Mexico and for other purposes, has been presented to the Executive for his approval. He has rendered to it that consideration which the importance of the measure, as well as the provisions contained in it demand.

In contemplating a war of invasion, the Executive has at all times been satisfied that to effect any thing truly advantageous to the country, means would be necessary; and assurances from various sources that they would be furnished in abundance, induced expectations as great as even the most credulous would have entertained. Men and means were promised to any extent and all seemed alive to the subject of invasion. Enthusiasm was universal, and few seemed willing to halt and ponder calmly our situation. In various parts of the Republic the feeling was so great that many were unwilling to await the action of the government, but without counting the cost and in despite of the Executive or the sanction of any constitutional authority, were anxious to advance upon Mexico. Accordingly such measures as the Executive was authorised to sanction with a view to the expectations thus excited, were cheerfully adopted.

In order to arrive some conclusion upon the facts which were daily developing, satisfactory to the country in its present condition, the Honorable Congress was convened, as well as to give their sanction to the course to be pursued and to raise the necessary means, for the prosecution of offensive operations, in the event that such should be their decision. In arriving at the conclusion to invade Mexico, many difficulties and embarrassments were presented, which, to my comprehension, still exist.

If Mexico is invaded, it must be by a force, whose term of service will not be less than one year and whose numbers should not be less than five thousand men. If volunteers for a less term of service than one year, or during the war, should be employed they would not be able to achieve any object of importance. Six months would be necessary to perfect them in the manual exercise, the drill and the duties of the camp. No time would

be afforded for operations against the enemy. As soon as the time for which they were engaged would expire, if they were not discharged, discontent and mutiny would arise, with a breaking up to finish the catastrophe. Five thousand men returning to the settlements of Texas, disorganized and exasperated, would be more formidable than four times their number of the enemy invading us.

If the country is once entered, with a view to extort the recognition of our independence, we must not for a moment abandon our object, for if we should surrender any advantage, upon a second attempt we should find increased difficulties and a disposition against us on the part of our enemy of the most desperate and determined character, arising from various causes.

The place of volunteers would have to be supplied by drafted militia, with whom discontent might very reasonably be expected, if any attempt should be made to detain them for a longer time than six months, — if they would, indeed, be willing to submit to the call for ~~offensive~~ an offensive war beyond the limits of the Republic for even that time. In the prosecution of an offensive war there should be no question as to the right of the Government to command the services of its citizens. Unfortunately, at the very outset, the question arises: Has the Congress the power, by the constitution, to order a draft, and compel the citizens of the Republic to march beyond our limits in a war of invasion? If this power exists, it is not to be found among the enumerated powers expressly delegated by the constitution to the Congress; and to me it is clear that no such power has been delegated but is expressly reserved to the people. If Congress does not possess such power, then such a law would be unconstitutional. Were the Executive to sanction any such law, with a belief that no such power did exist, he would violate his duty to his country and to himself.

To commence invasion, the troops should be engaged for and during the continuance of the war; and for one year's service with such a force as will ensure success, not less than two millions of money will be required — embracing at the same time the supplies we might derive from our enemy. To command this amount of money would have been difficult for our country at any period, and particularly so at this time, when embarrassments exist to a more distressing extent, than perhaps at any previous period in our history. That we have valuable and almost boundless resources, ~~almost~~ all will admit; but they are not available, and we have not therefore the means indispensable to the prosecution of a campaign.

Resources are one thing — means are another. Instead of means, Congress has placed at the disposition of the Executive ten millions of acres of land, for the purpose of raising means sufficient to prosecute the war. The Executive does not possess the facilities requisite to convert these resources into means. To effect a disposition of lands, by sale or hypothecation in the United States, would not be practicable. There unimproved cotton lands, which were selling five years since at from thirty to forty dollars per acre, can now be purchased improved at from one to three dollars per acre. It cannot be reasonable to suppose that lands, neither designated nor surveyed, within the vast domain of Texas, could at once become a desirable object of acquisition either to the speculator or planter. Our statutes hold out inducements to emigrants to come and possess our soil by occupancy and not by purchase.

Hundreds of thousands of acres of scrip heretofore issued by the Government of Texas, can be obtained in quantities in the United States, at a price not exceeding twenty five dollars for six hundred and forty acres. Under these circumstances, it cannot be supposed that money or means for conducting a campaign to an amount that would be effective, could be raised in the United States by the hypothecation or sale of ten millions of acres of land; or that Texas land would sell in market unless in such portions as were specially designated and surveyed

If we turn our eyes to Europe, the prospect certainly does not brighten. When the depression in the general financial system of the world was much less than it is at this time, two intelligent gentlemen were employed as agents in traversing all Europe for the purpose of raising five millions of dollars, and authorised to pledge the public faith and all the resources and means of the government for the purpose of making the negotiation. And although our bonds were offered at a depreciated value, after employing three years they returned without having succeeded in negotiating any portion of the bonds at more than fifty cents on the dollar.

The section of the bill proposing to give to each volunteer or drafted militia man, six hundred and forty acres of land, would be a draw back, if it did not totally defeat the sale of the ten millions of acres intended to be offered. At the expiration of six months, this provision would throw into the market five thousand pieces of scrip, each calling for six hundred and forty acres, which would amount in the aggregate, to upwards of three millions, and for twelve months to near six millions and a half of acres. The certain prospect of purchasing these for a mere trifle would induce those who wish to speculate in Texas lands to husband their means; as they could render them more available by speculating upon discharged soldiers than by purchasing lands of the Executive under the provisions of the bill.

To hypothecate the ten millions of acres placed at the disposition of the Executive, without other guarantees for the final payment of the money obtained, would be deemed by the Executive to any useful extent impracticable; nor would it be more probable that any sales could be effected of lands which could not be identified, and the location of which, if ever located, must be at the expense, trouble and risk of the purchasers. If it were possible to effect either of these objects, it would require means for its effectuation. The Executive has not one dollar - the Congress has appropriated already an amount greater than the whole circulating medium authorised by law in the Republic.

It would be necessary to have means even for an attempt at the accomplishment of the objects of the bill. To employ agents to receive subscriptions or contributions in the different counties of the Republic and elsewhere, would require some advance to be made to them. If men are willing to give their time to the country, they would find it very onerous to advance money for such a privilege. The assurance again recurs, that the government has not one cent to advance to them, or means out of which the Executive could promise remuneration. Are means necessary to carry out the powers with which the Executive is clothed by the bill? All must admit that they are. Does he possess any - are any at his disposition, or can he obtain any? The answer is he has none, and cannot obtain any. The bill proposes to place resources at his command, but no means, for the accomplishment of the objects for which it professes to make provision.

By sanctioning the bill as a war measure, at this time, when no attempt has been made, and could not for some time be made to obtain means would, to my mind, produce a most deleterious influence upon the country. A war of invasion would be the theme of continued conversation - a state of feverish excitement would exist throughout the country - general incertitude would pervade every class, and discontent would be universal. The question would be asked, what is the Executive doing? He has all power given to him, and immense resources placed at his disposal; when, therefore, will active operations commence? It would be needless for him to respond, that these resources are not means - that he has not a dollar to commence operations with, and that, therefore, his delegated powers are useless. The Executive has indeed a show of power, but he is helpless and destitute for the want of means.

It would be vain for him to attempt an explanation in this state of embarrassment. Every one who was favorable to invasion would have a plan of a campaign, and let his exertions and zeal be what they might, the enthusiastic could never excuse him, and the reflecting portion of the community might find it impossible to justify his apparent apathy. To an Executive officer, no situation could be more unhappy, or better calculated to render useless, all his zeal and exertions in the administration of the government.

To my mind, also, this bill, if passed, would have a tendency to impair the value and credit of our currency. It has been fully tested by experience, that an offensive war conducted by a nation, has always a prejudicial influence upon the value of its stocks, causing their certain depression. Instead of improving our credit, or giving value to our currency, it would impair the one and depreciate the other. We stand in the most vital need of their improvement; and a war without means is not calculated to ensure the attainment of the object.

Though not in a situation to regularly invade Mexico; under the direction of the Executive, sustained alone by the patriotism of our citizens, Texas will be able, for a comparatively trifling amount, to carry on a retaliatory war, or, at least, to give protection to our Southwestern frontiers. Should our independence not be acknowledged by the mediations which are now going on, and the interference of powers which have recognized our independence, by the meeting of the regular session of Congress, by which time it may be possible to realize some means, the country will then be in a situation at least as favorable for offensive war as it is at the present moment.

It is manifest that the Executive, previous to that time, could not realize these means from the resources placed at his disposition by the present bill, and be able to make them application to any valuable purpose. He is however, resolved to annoy and injure the enemy in every way and with every means that may be in his power.

The Executive is authorised by the bill to keep the Navy at sea. To do this requires immediate means. Less than the sum of thirty thousand dollars in hand, will not enable the fleet to sail. At this time it is of vital importance to the country that it should do so. The proclamation of blockade has gone forth, induced by an assurance that the Navy could be put in a state of preparation and immediately take possession of the gulf against our enemy. But owing to the depression in the money market and the entire want of credit on our part, it has been found impossible to effect this object. The government has no means; and months and perhaps years must elapse before the resources proposed to be placed at the disposition of the Executive could be converted, if ever, into means available for fitting out the Navy. The emergency is instant and pressing; and what can be done?

Experience teaches us that without means we cannot main-

tain a war. The emigrants who have arrived in the country, came in violation of the express requisitions of the Executive as to their clothing and supplies of provision. They did not bring with them the means necessary to their subsistence for even a short time. There have not been public means to sustain them. Private resources are now exhausted — liberality is worn down; and if the few who are now here cannot be sustained for the want of public means, how could the Executive call for, receive and support an emigration of five thousand?

If contributions were liberally made throughout the Republic, a considerable time must elapse, before they could be converted into available means — such means as would enable the Executive to organize and march an army. It could not be done, at least, anterior to the meeting of the next regular session of Congress. Then it would seem that this bill would, if approved, only sanction expectation, agitate the community and awaken a new ferment, without producing any effect beneficial or satisfactory to the country.

To invite an army of five thousand volunteers into service, without means to subsist them, would be productive of incalculable injury to the nation. I would not adventure anything fraught with so much peril to my country. The experience of seven years is before me, and in its face I could not sanction the measure, when I have not the means of employing those who might come in instant service. Heretofore a few have assumed the right of dictating to the Executive; and if five thousand were assembled they would feel confident in their numbers and power. Not only the Executive, but the nation would be at their mercy; for it is an established maxim in war, that if subordination and discipline are not maintained, an armed force is more dangerous to the security of citizens and the liberties of a country than all the external enemies that could invade its rights.

Then, if we are not in a situation to receive a force of this description, or sound policy should forbid the experiment; the question would arise, from whence could the Executive derive an army for the purposes of invasion? His opinion is that he has not the power, even with the sanction of Congress, to compel the service of the militia out of the Republic.

Thus Congress has not placed the means for an offensive war within his control, and he will not affect to assume a responsibility in the discharge of any trust which he deems impracticable, or subject his country to inevitable disasters and after a fruitless experiment, leave it in a condition more to be deplored than its present circumstances.

These reasons are to the mind of the Executive, entirely sufficient to justify the interposition of his veto; but another objectionable feature remains to be noticed. The bill proposes to invest and clothe the Executive with extraordinary powers and discretion, which, to his mind, present important objections.

It is a principle in all well regulated republican governments, that no power which can be exercised by the citizen in his individual capacity, should be delegated to his representative but remain vested in him as an indefeasible right; and that the representative should never exercise power the delegation of which is questionable, or attempt its exercise where it might be liable to abuse. Agents are responsible to the people under the great constitutional charter of their liberty. The delegated powers are expressly granted and defined — all others remain with the people. The concurrent will of all the three departments of the government united, could not render valid a principle and make it binding upon the people, which was not set forth and guaranteed

by the constitution. The approval by the President of the principle set forth by the Congress, would not justify the exercise on his part of the extraordinary powers tendered by the bill. The citizens of the Republic regard him as the chief conservator of the constitution, and as such he should ever feel it a duty incumbent upon him to resist every apparent encroachment upon their rights, but never to exercise one of questionable character. Principle is eternal and never changes – men and things do change. If it would be wrong to clothe one individual with powers, who might, by their exercise, bring ruin upon his country; it is equally at war with principle, that a man should exercise powers improperly granted, though it were intended for the salvation of his country.

I cannot perceive that the constitution authorises any where the powers granted in the second and seventh sections of the bill; and if no other objection than this existed to the bill, I would deem it insuperable.

The Executive duly appreciates the flattering testimony of confidence, which has been manifested by the Honorable Congress in the integrity and patriotism of his heart. He can never be insensible to the approbation of his countrymen, and when expressed by the assembled wisdom of the nation it assumes the most imposing and grateful character; and he is proud to assure the Honorable Congress that if every facility and all the means requisite for the accomplishment of a war of invasion were at his command, the powers granted by the bill should never be exercised by him to the prejudice of his country. He has been and is connected with the building up and existence of the government and no circumstance could ever induce him to raise a parricidal arm against it. Its establishment, its prosperity and its glory will be the consummation of his happiness. The anticipation of its permanency will be cherished by every patriot now living; and he trusts their exertions will be united in perfecting and giving perpetuity to its free institutions. No act should be done by them which could have a tendency to defeat the great object of its creation and present existence.

If the Executive were to sanction the exercise of the powers granted by the bill, he would consider it an act of war against all his hopes and desires for its future and permanent welfare. It might so happen in after times, that great excitement and difficulty might exist in the country, and that to remedy the existing misfortunes of the times, measures might be contemplated of an extraordinary character and dangerous to liberty. The present action of Congress would be brought up, referred to and adopted as a precedent, deriving authority from its antiquity and the associations with which it might be connected; and some individual, clothed with similar power, and deriving authority from this example alone, in the prosecution of ambitious and selfish ends, might exercise it in the destruction of the liberties of his country. Therefore, I can never sanction the adoption of a principle at war with the convictions of my mind, the practice of my life and the liberties of my fellow men.

City of Houston, 26th July, 1842.

To Col. H. Washington:

Dear Sir — I have learned with regret and sorrow, that it has been reported that you were a defaulter to this government. I do not know in what way you could have become so, for you never had, within my knowledge, any government property or money in your hands.

Letter to Col. H. Washington.

For my part, I have always regarded you, and still regard you as a gentleman of strict honor, fine feelings, pure integrity and exalted chivalry. These traits, in my estimation, you possess; and I assure you that my confidence in you is unimpaired; nor shall rumor or base artifice ever influence my opinions or my feelings.

With salutations,

I am truly your friend,

Executive Department,
City of Houston, July 26th, 1842.

To William G. Crump, Esq.
Acting Secretary of the Treasury, &c.

Sir — You will issue twelve thousand dollars, or the amount of the unexpended balance, of the Naval appropriation of twenty thousand dollars for the current year. It may be best to have as much as possible signed of the one hundred dollar notes, or of the largest size on hand.

Instructions to Acting Secretary of Treasury.

I have the honor to be your obt. servt.,

Executive Department,
City of Houston, July 26th, 1842.

To _____

Sir — The Executive has always had it in contemplation to retaliate upon Mexico, for the late outrages upon the persons and property of Texian citizens. To accomplish this, he must rely upon voluntary service alone. The chivalry and patriotism of his countrymen, when well directed, can accomplish much. He is determined that nothing shall be wanting on his part to effect the object in view. For its effectuation, he proposes to receive upwards of a thousand men, to be mounted, equipped and prepared at their own expense for the proposed campaign.

Adheres to the people of Texas proposing a plan of operation against Mexico.

The Government will promise nothing but authority to march and such supplies of ammunition as may be needful for the campaign.

They must look to the valley of the Rio Grande for remuneration. The government will claim no portion of the spoils – They will be divided among the victors. The flag of Texas will accompany the expedition.

It is proposed to raise the requisite number of men West of the Trinity. If they were to march from Eastward of that river to the Western country, the men and horses would consume the subsistence indispensable to family use, and prevent emigration for the want of supplies.

Those who are expected to march, will start from home with a sufficiency of provisions to support them to the rendezvous; and they are interdicted from feeding any grain to their horses. At the point of rendezvous, which will at the proper time be directed at the Sulphur Spring near the mouth of the Cibolo, they will prepare the requisite amount of provisions from cattle contributed, to sustain them till they reach the Rio Grande.

They will have authority to crop and make such reprisals upon Mexico, as civilized and honorable warfare will justify in our present relations with the common enemy.

As soon as the troops are raised in the several counties, they will elect their company officers, and, as soon as organized into companies in the several counties, will forthwith report by express to the War Department, and as soon as possible thereafter, the Executive will appoint the time of rendezvous; and when they shall have arrived at their rendezvous, they will elect their field officers for one regiment. Previous to that time however orders from the Executive will reach them, suggesting the general plan of a campaign, subject to be varied by the circumstances of the service in which they may be engaged.

As no regular draft or detail is made to compose the force – but relying alone upon the ardor and willingness heretofore expressed in the different sections of the country, and assurances that many were anxious to volunteer – and not wishing to employ our whole force on the present occasion, I have thought proper to tender the opportunity to the counties in the following order – the citizens of which, if they should volunteer to the amount named, will compose a force of thirteen hundred and twenty men, exclusive of one hundred Indian spies, to be employed as the commanding officer may think best, but not to be permitted to perpetrate any excesses of savage warfare:

Washington County, 132; Bastrop, 132; Fayette, 132; Montgomery, 132; Robertson, 66; Milam, 66; Austin, 66; Brazoria, 66; Fort Bend, 66; Harris, 66; Gonzales, 66; Matagorda, 66; Colorado and Ward, 66; Jackson and Victoria 132; and Bexar (Hays and Menchaca) 66; making a total of 1320 – Lipans and Toncahuas, 100 – aggregate 1420.

It will be of the utmost importance that concert of action should take place, and to give efficiency, it is proper that the troops should not be detained at the rendezvous any longer than they can be organized. Discontent perhaps would be the consequence, and the prospect of achieving something of importance to the country by the campaign would be lost.

The Executive has great reliance upon the zeal of his countrymen, and their willingness to pursue such a course of policy as will give protection to our South Western frontier for the future – and he is satisfied, if this expedition can be carried into effect, that the country has much to hope from its results. As soon as it may be organized and marches, it will be indispensable to maintain the strictest subordination. In entering an enemy's territory, constant vigilance is necessary [illegible]

men who expect to maintain their safety, must always be on the alert. By caution we prevent disaster and vigilance will never permit us to be surprised. The troops will be permitted to remain in the enemy's country until our independence is recognised - an armistice concluded, or until it might be deemed wise for their safety to recross the Rio Grande. The government will have opportunities of intelligence which may not be within the knowledge of the commander of the troops, and he will at all times be subject to the orders of the War Department.

When emergencies arise in the prosecution of the campaign, detached as the army will be in its situation, the commanding officer will have to exercise a sage discretion in relation to the subject matter which may be presented; always keeping in view the safety and success of his command, the preservation of his flag and the honor of his country. The troops, by obedience to his orders, and imitating his example will establish the highest claims to the admiration and gratitude of their fellow citizens and the government of the Republic.

I have the honor to be, very respectfully,
Your obedient servant,

P. S. One colonel, one lieutenant-colonel and two majors will be elected. Each company will consist of at least sixty six men, rank and file. - If the number required according to the above plan, are not raised in any of the counties specified, they will be made up elsewhere. If a larger number present themselves they will be received.

City of Houston, 28. July, 1842.

To Gen. James Davis:

Dear General — As you are about to retire for the present from service, I take pleasure in assuring you of my approbation of the manner in which you executed the duties of your command. You accepted it under the most discouraging circumstances. The men were disorganised - they had been mutinous - their supplies had been insufficient, and the country without means to sustain you in your command.

Note to Gen. James Davis.

Desertion left you almost without men. You were attacked by more than treble your numbers of men, and though you were without defences against the enemy's artillery, by your skill and firmness you gallantly repulsed the assailants with loss on their part whilst you preserved your command from injury or loss of life.

You will bear with you my confidence and best wishes, and should your services be again required, I have full confidence that you will be found at the post of honor and gallantly defending your country.

With salutations of regard — I am your friend,

Executive Department,
City of Houston, 30th July, 1842.

Note to Hon. Jos. Eve.

Hon. Joseph Eve.

Sir — Your note of the 27th instant, relative to the Brig "Retrieve", reached me at a moment when it was not possible for me to reply.

I regret that any difficulty should have arisen as to the cruise. So soon as it is possible to look into the matter it shall be done; and whenever the government is able to do so, all just remuneration will be made to the captain and owners. To what extent will be proper, I am unable to determine.

To day I directed the Acting Secretary of State to write to you upon the subject, so far as facts are in his knowledge; at the same time to assure you that at this time the country has not means to meet the demand, if it should be found just and right to do so when it is able.

With perfect respect,

I have the honor to be your obt. servt.,

City of Houston, 10th August, 1842.

Reply to address of committee of citizens at Victoria.

To Messrs. Richard Roman, H. Ledbetter, James D. Owen, A. S. Cunningham, William Van Norman and John McHenry, Committee.

Gentlemen — your note of the 30th ult. mo, accompanied by the proceedings of a public meeting held on the same day, at the town of Victoria, reached me to-day. I avail myself of the earliest moment at my command to respond.

To none has the past and present condition of the Western section of the Republic been a matter of deeper interest and solicitude than to myself. I have not been forgetful of the wants and exposed situation of the Western people; but have always rendered such protection and assistance as my means and power enabled me. The citizens of the Western frontier, amidst all their difficulties, will surely not expect the performance of impossibilities. My own purse would not sustain, even for a single day, a force upon the frontier sufficient to give protection. The Treasury of the government is but little more competent to that object. The appropriation made by the first session of the last congress would not suffice to sustain even a single company upon the border. Under these circumstances, what more could be done than has been done? These circumstances resolved themselves into the only course left to the Executive, and that was to invoke the patriotism and rely solely upon the aid which the people of the Republic might voluntarily render. That course was accordingly adopted, and numerous calls from time to time made upon the chivalry and devotion of the country, which were cheerfully answered

as far as it was possible to expect. This was all that could be done, however unsatisfactory the results may appear to those who expected more. In a word all has been done that a government without means could do.

The orders which have been lately issued to various gentlemen West of the Trinity to raise and organize forces to operate against the enemy upon our South-western frontier and in the valley of the Rio Grande, may be mentioned as some indication of the solicitude which the government feels for the protection and welfare of the Western settlers. It is to my own apprehension the only feasible method of accomplishing objects so important and desirable; and I have every reason to believe the plan will succeed to the utmost of our most sanguine expectations. It will open the door for a heavy retaliation upon our enemy of the various injuries they have inflicted upon us.

In devising this plan of operations due regard was had to the crippled and partially destitute condition of the Western people. It was thought the marching of troops from Eastward of the Trinity would consume those supplies which were vitally necessary to the subsistence of the settlers.

I regret extremely to hear of a proposition for the inhabitants of any portion of the West to remove Eastward, when there is any hope and prospect of efficient protection; and I might go further and say, of a permanent and final adjustment of our difficulties. It is a part of the duty of those who have control of the cabinet councils of the country to observe and calculate as well as act. It sometimes happens that the expectations of the cabinet officer are disappointed, but as rational beings we must sometimes be governed by probabilities. Time will develope and prove all things.

In the veto message communicated to the Congress on the 22d ultimo, I plainly expressed my determination to do all in my power to protect and sustain the South western frontier; and suggested as a means, the plan which was subsequently adopted and which is now, it is believed, in a course of successful accomplishment. In the judgment and estimation of the Executive, it was not only difficult but impolitic, under the circumstances at that time and still existing to attempt a formal and regular invasion of the enemy's territory.

It is not the course of good citizens and patriots to endeavor to create discontent and disaffection at home or to create greater evils than those which are now upon us. We are in trouble, but that trouble has not been brought upon the country by the present administration. It existed when the present Executive came into office. Our difficulties have not been increased, but are only the more manifest, because the evils produced by the last are fully disclosed in the poverty of our present condition. The present Executive has not hundreds to expend where the last had millions. To this may justly be ascribed our present destitute and distressed situation.

In the face of these truths all faithful and just men, will look to the cause of the evils existing. First, see what can be reasonably done, and then unite in supporting the country without endeavoring to destroy all confidence in the Chief-magistrate without showing that he is not worthy of confidence. Idle words and abuse will not make manifest his guilt or misconduct. See, also, that he has the means and that he witholds them from the public service; or that he can do more than he has shown a disposition to do, and then let his constituents abuse him.— Facts establish the guilt or innocence of men, but not the loud words which are spoken abusive of men,

because they happen to be in office. Until such facts are established, I will pursue such a course as my duty, in accordance with the best knowledge which I have of the true condition of the country, will inculcate. It would seem to me proper for those who condemn my course and conduct, to show that they have higher claims to patriotism than I have been able to establish, or that I have some motive for opposing the best interests of my country. To those who apply the kind terms and epithets of enemy and traitor to me, I can only reply, "I have done as much for my country as you have, and have realised as little as you could have done from it."

If those who seek to create discontent or destroy confidence in the government and its officers, and are directing against the President every shaft which they hope will wound, would step forward and level their rifles against the Mexican enemy, when desired to do so by the President, it would have a tendency to give more protection to the frontiers than all the abuse that can ever be directed against him. While in Congress and as President, my constant desire has been to afford protection to the frontiers and secure to it peace.— My evidences are of record. I asked of Congress, if they could do no more, at least to enable me to keep two companies in service for that purpose. I could not obtain the aid solicited. Twenty thousand dollars was all that was allowed for the protection of the entire frontier.

When I left office in 1838, the country was prosperous and happy and property was valuable. Immediately after the inauguration of my then succesor, more than one million of dollars were appropriated for the "protection of the Northwestern frontier". Our money also was then of value and our nation had credit at home and abroad. What is our situation now? Did I produce our present calamities — or did I find them when I came into office? I found them upon the country. I have not had time or means to relieve it from the burden of its afflictions. Look at the cause and it will be seen that time will be necessary to create a remedy. If those who are discontented and complain most, were to succeed in destroying the present government and the President, by what means would they create a better state of things? "A wise man will not pull down and destroy his house until he is assured that he can build a better." "Reason and patience belong to the wise, but the silly are hasty to do mischief," and "a wise man will seek out a remedy, which the thoughtless will not understand."

I have been devoted to the true interest of my country and I will not depart from my duty so long as I am connected with it, either in public or private life; and if I can render it any good I am willing to receive for my faithful service abuse as well as praise. My devotion to the salvation of my country embraces the prosperity of every patriot in Texas.

Those who wish to embark in war against Mexico will find that the President has done everything in his power to give it forwardness. If the people wish to fight, they have his authority and beside the encouragement he has given to them, they have his sincere wishes for the most perfect success and glory in the proposed campaign.

I have the honor to be, very respectfully,

Your obedient servant,

Executive Department,
City of Houston, August 18th, 1842.

To all to whom these presents shall come or may concern — greeting. —

Be it known that I, Sam Houston, President of the Republic of Texas, reposing special trust and full confidence in the prudence, energy, fidelity, ability and patriotism of James Grant, Esquire, do, by these presents, constitute and appoint him the said James Grant, Esquire, agent of and for the Lipan tribe of Indians, in all things requiring the said agent to represent the interests and regulate the movements of the said tribe as he may be specially ordered by the Executive or Secretary of War, or as his best discretion may, at the time, dictate; and, also, to protect the said tribe in the enjoyment of their just rights and in the peaceable possession of their property, honestly acquired, and generally to improve their happiness and condition by introducing the arts of industry and preventing the use of intoxicating liquors.

Full, frequent, and accurate reports will be made to the War Department transmitting all necessary information for the consideration of the Department, which can in any way influence its action for the benefit of the tribe and the country.

The salary will be five hundred dollars per annum.

Executive Department,
City of Houston, August 18th, 1842.

To Col. C. A. Owen:

Sir — Your last letters have been received. I have now little to Col. Crawford time to request your particular attention to the securing all the ammunition, or ammunition, &c., &c., of the government within your reach, so that it may be readily obtained when wanted.

Protect Carlos and his people, as you may think they deserve.

I have the honor to be, with great respect,
Your obedient servant,

Executive Department
City of Houston, 19th August, 1842.

M. P. Woodhouse, Esq.,

Sir — You will assume and discharge the duties of "Secretary of the Treasury" until further orders.

I have the honor to be your obedient servt.,

"Acting Secretary of Treasury."

City of Houston, August 20th, 1842.

To Gail Borden, jr.,
Collector at Galveston:

Sir — You are hereby authorised to receive from such persons as have goods stored in your possession, under the acts of Congress in force anterior to the passage of the act of July 23d, 1842, the amount of duties due from such persons, under the former laws — receiving the said duties in Exchequer bills at their par value. And I, Sam Houston, President of the Republic of Texas, do, by virtue of the powers vested in me by the constitution of the Republic, remit so much of the amount of duties which said persons would, by the operation of the the said law of 23d July, have to pay over and above the amount due from them under the said former laws.

This is done in consideration of the equitable claims which such persons have upon the Executive for the exercise of this constitutional prerogative.

I have the honor to be your obt. servt.,

Letter of authority to Collector at Galveston.

City of Houston, 24th August, 1842.

To M. P. Woodhouse, Esq.,
Acting Secretary of the Treasury, &c.

Sir — Two drafts, one for $1,163.66 cents; and another for $5,090.10 cents, both in favor of L. S. Hargous, Esquire, American Consul at Vera Cruz, have been laid before me.

I cannot describe my regret at not having it in my power to meet the demands. The government has not one dollar of the funds described, nor has the Executive the means to obtain them for any purpose.

The situation of the Santa Fé prisoners has been known to the Honorable Congress for the two last sessions and their attention called to their condition; but no law was passed for their relief.

There is not one dollar left at the disposition of the President, only to meet special appropriations which have been made for the present year.

The President sympathizes most feelingly with the Santa Fé prisoners and rejoices at their return to their country and friends. If his private means would enable him to do so, he would most certainly relieve all their wants and contribute to their comforts, but he is as destitute of means as the government of Texas.

Note to Act. Sec. of Treas'y in relation to drafts drawn by Santa Fé prisoners.

Executive Department,
City of Houston, August 25th, 1842.

To all to whom these presents shall come or may concern — Greeting.

Be it known that I, Sam Houston, President of the Republic of Texas, having specially confidence in the prudence, energy, fidelity, ability and patriotism of the bearer of these presents, Dr. Robert Barnett Cottle, I do, by these presents, authorize and empower him to visit Isaac Tawakoni, Toquah, and the other Waco Indian Chiefs, a sufficient number to treat with the Speaker and other Chiefs of Indians living in the Northwestern part of Texas with first the single authority with Doctor Barnett Cottle — in all things requiring his concurrence or his advice, I do use his discretion and best efforts to promote friendship and overbearing a body of fears, and jealousies with his tribe or tribes; and in all things to act and proceed as he may be specially instructed by the Executive or Department of War, or as his business and interest may at the time dictate.

Given at the City of Houston, on the day and year above written; in testimony whereof, I have hereunto set my hand and affixed the great seal of the Republic.

City of Houston, Texas,
1st September, 1842.

My Brother:

We are far from each other — we have not shaken hands. I have heard from you — the message was peace and friendship.

With your son Antonio, I send my friends Doctor Cottle and Doctor Jower, with my talk. They will make it to you.

If you can come to see me, I will make the path between us white, and it shall remain open. There is no blood between us. We have had no wars — your enemies are our enemies. They will not keep friendship with us. They will not tell truth. When we shake hands we will become friends: our friendship shall not cease: we will be friends when people around us are at war. The tomahawk shall never be raised between us.

You and your friends shall trade with our people, and you shall buy from us such things as you need — and our price will not be great. We will buy from you your furs, your mules, your horses, your silver and your gold. Treat my friends as brothers, and we will treat you likewise when you come to see us. We will then write down a treaty that will never wear out, but shall remain with our children that they may know their fathers had shaken hands, and smoked together the pipe of peace.

I hope the Great Spirit may give light to your path, and no clouds of sorrow never rest on your journey of life.

Thy Brother,

City of Houston, 1st September, 1842.

To Castro and Flaco:

My Brothers — I send to you Doctors Tower and Cottle on their letter to Lipan way to the Apache nation. Antonio, an Apache, is with them. They want you Chiefs. to send some of your people with them. I hope you will do so; and if they want horses, I wish you to let them have good ones for them to ride.

I will make presents to the Lipans who may go with my agents to the Apache nation.

I am your Brother.

Executive Department,
City of Houston, September 1st, 1842.

To John Hall, Esquire:

Sir — You are hereby authorised and directed to assume Appointment and discharge, according to law, the duties pertaining to the Bureau of of Chief Clerk the General Postoffice of the Republic, as Chief and Assistant Clerk there of Postoffice Bu- of. You will, of course, relinquish to the Chief Clerk of the Department Bureau. of State, your present place and duties.

I have the honor to be, very respectfully,
your obedient servant,

Executive Department,
City of Houston, September 2d, 1842.

To Col. Clark L. Owen:

Dear Sir — You will perceive that I send you an order letter of auth- to adopt such measures as you may deem most conducive to the protec- ity to C. L. Owen tion and peace of the frontier. You will have to pursue such course in relation to as will attain the object, which you know to be so desirable to me, protection of the

You will have to use such discretion as the necessities of the Western settle- country and the safety of the frontier may require. I have used all ments. my endeavors to get up an efficient force to give the whole country its independence and safety. If it has failed, the fault is not the gov- ernment's; for all has been done that can be by it or its officers. The want of will to do so, is not in the government, but must rest somewhere else.

I am told that the traders from Mexico are now coming in to trade. If this should be the case, it will present a new com- plexion to matters. If it is so, you are authorised to open the trade, if you are satisfied that it will be productive of

to the frontier. You are there and can judge of what course ought to be pursued and pursue it for the best.

The British Consul General has arrived, and believes that we will not have trouble with Texas. But we ought to look out for ourselves and offer no insult.

I hope you will write to me by every opportunity. You can act over the authority until further powers arrive. No one will be appointed to interfere with your powers, but you will be permitted to commence and finish the work. It is important, and I have confidence in your courage, capacity and patriotism. Just spare no pains to get work.

Your friend truly,

City of Houston, 5th September, 1842

To Col. E. H. Tarrant:

Sir — Your resignation, dated on the 1st instant, of Adjutant General, and note will be pleased to have over the books and archives of the Department to Mr. M. C. Hamilton.

Acc. Ed.

I have the honor to be

your most obedient servant

Executive Department,
City of Houston, 5th September, 1842.

To Morgan C. Hamilton, Esq.

Sir — You are hereby appointed Acting Secretary of War and Marine, and will assume and execute the duties pertaining to the same.

Appointment of Acting Secretary of War and Marine.

You will receive the books and archives from the late Secretary of War and Marine.

This will remain in full effect until further orders.

I have the honor to be your obt. servt.,

Executive Department,
City of Houston, September 6th, 1842.

To Col. Thomas William Ward:

Sir — I have been informed by Col. Snively, that an iron chest is buried in the store room, where the sugar and salt were left.

You are authorised and desired to take the chest and papers and retain them till further orders. The chest contains papers belonging to the government. They must be preserved: and there is no one in whose charge they can be with more safety confided than your own.

Very respectfully
Your obedient servant,

Note to Col. Ward concerning certain public property.

City of Houston, 10th September, 1842.

To W. Y. McFarland, Esq.

Sir — You may proceed to the town of Washington and say to those gentlemen who have proposed to furnish suitable buildings for the officers of government, and waggons for the transportation of the archives, public property, &c., that they may send six waggons and teams, so as to reach here by the 20th instant:

The officers will be notified of the removal of the seat of government, as I have resolved to locate it at Washington until a final action of the nation can take place relative to its establishment. The emergencies which brought it to this place, have in part ceased; but the objections to Austin yet obtain as a place of security for the national archives. The inconveniences and insecurity of having it there seem to increase. The place is nearly deserted — the Indians continue to depredate upon the citizens, and the public buildings are in a dilapidated situation, not suitable for occupancy and the archives. These reasons, with the want of mails, render it utterly unsuitable for the purposes of government and the safety and convenience of our citizens.

For these reasons I have selected Washington as the most eligible point for the location at this time.

I have the honor to be
your most obt. servt.,
Sam Houston.

Note to W. Y. McFarland, in relation to removal of archives to Washington.

Passport to Tomas Cruz.

Sam Houston, in the name and by authority of the Republic of Texas, to all to whom these presents shall come: Know ye that Tomas Cruz, the bearer hereof, a Mexican, is known to me; and being about to depart Westward: this is, therefore, to enjoin upon all the citizens of the Republic whom he may meet, to permit him to pass unmolested to his destination at San Antonio, whither he is sent with despatches to Major Hays.

Given under my hand and the Great Seal of the Republic, at the City of Houston, the 14th day of September, A. D. 1842, and of the independence of Texas the seventh.

L. S.

Demand upon Governor of Louisiana for mutineers.

Sam Houston, in the name and by the authority of the Republic of Texas, to His Excellency A. B. Roman, Governor of the State of Louisiana, of the United States of America: Greeting:

By virtue of a communication received from C. W. Moore, Esquire, commanding the Texas Navy, under date of the 7th instant, I am placed in possession of a correspondence between your Excellency and himself, relative to certain individuals, refugees from justice, who are charged as mutineers on board the schooner San Antonio, a Texian vessel of war, and as murderers of one of the officers of said vessel during the month of February last, then in the Port of New Orleans.

The names of the individuals are Seymour Oswald, T. D. Shepherd, J. Allen, William Barrington, James Hudgeons, William Simpson, Edward Keener, Benjamin Pompilly and Edward Williams, who are now held as prisoners in the State of Louisiana.

Your Excellency is hereby requested (and a respectful demand is made) to deliver to Commodore C. W. Moore the above named men, and all who may be implicated in order that they may be dealt with in accordance with the laws which they are charged to have so grossly violated.

Given under my hand and the Great Seal of the Republic, at the City of Houston, the 12th day of September, A. D. 1842, and of the independence of the Republic the seventh.

L. S.

Executive Department,
City of Houston, September 16th, 1842.

To M. C. Hamilton, Esq.
Secretary of War, &c.

Sir — You will issue orders from the Department of War and Marine, to the citizens of Matagorda, Victoria, Brazoria, Fort Bend, Austin, Washington, Colorado, Fayette, Gonzales and Bastrop, to be in readiness and march forthwith upon San Antonio and Harrass the enemy as much as possible, unless they evacuate the place immediately, or should have done so already. The three last named counties, with Travis, will keep an eye to Austin City; as it may be an object to take and burn Austin with the archives of the government.

Instructions to Acting Secretary of War and Marine

You will require Col. J. Snively to procure expresses to send with despatches to the various points, so that immediate action may be had, should the enemy continue in the country. If they should do so, we will soon be apprised of the fact and can enlarge the present plan of operations.

Let expresses be constantly sent to the government. The intelligence leaves everything in doubt relative to the object of the marauders. A short time will develope all matters.

I am your obedient servant,

Executive Department,
City of Houston, September 19th, 1842.

To M. C. Hamilton, Esq.,
Acting Secretary of War, &c.

Sir — Let Mr. Bennet have the steamship Zavala, for the purpose of having her repaired. From the time which he receives her, she will be under his control until he is remunerated for the cost of repairs — or until a new contract in relation to charter is made, under the joint resolution of Congress for that purpose.

Instructions to Acting Secretary of War & Marine

This course is adopted in reference to the wasting condition in which the vessel is now placed. The government has not one dollar to use, and the vessel must be saved if possible. The law contemplates any course that will save it from destruction.

I have the honor to be your obt. serv.,

City of Houston, September 20th, 1842.

Mr. Hamilton:

A moment's reflection tells me that the enemy has two or three common objects in view. The first was to make San Antonio a prominent point of attraction, so as to leave Austin exposed, and sack or burn it.

Note to Mr. Hamilton

The advance of a small party upon Goliad is to detain a portion or all the troops of the lower Brazos and Guadalupe from San Antonio, so that the retreat and junction of those, now there, with the force sent to Austin, will be effective, without danger to them: for I do not think that they will fortify at Bexar. If they do, and will only stay there a short time, I will be satisfied of our true policy.

Can you devise means to send ammunition? If we cannot, they must send for it. Dr. McGhee the express, says he knows where there was plenty in Victoria county.

I wish to see the express before its departure.

Thine,

City of Houston, September 20th, 1842.

Mr. Hamilton:

Sir — All that you could do at the Island would be to see and report. Mr. Borden will not have time to attend to matters.

Indispensable

It will be well to order the lower counties by Victoria to San Antonio, and let the others go directly.

Note to Mr. Hamilton

The troops from above must be sustained, if the main body is above. An eye to Austin will distract their arrangements somewhat.

I do not think a large force will advance by the lower route; and if it should, the troops passing by Victoria, will meet it.

We must not divert the troops from the centre: it must be sustained.

Brazoria, Colorado and Matagorda are the lower counties alluded to.

Thine,

City of Houston, September 22d., 1842.

Mr. Hamilton:

Sir — I send an express to Montgomery to Col. Joseph L. Bennett to march with all his effective force forthwith and not to wait for the concentration of the whole force of the county, but to march with such portion as he can rally. Let the others follow. — Instructions to Col. Bennett

For each detachment let a prudent man be appointed to go on and obtain supplies and prevent all waste.

As the troops approach the enemy let them suffer no surprise.

You will order the companies now in Houston and Harris County to march to San Antonio by the most direct and secure route. You will order two companies from Galveston to sail round to Matagorda bay and land at the most advisable point, which can be ascertained after arriving in the bay. If by possibility it would not be proper to land so far west, let them land at the mouth of the Brazos. Obtain the La Fitte if she can be had, and let her be armed, so as to do service in transporting the troops, &c.

Order Col. Mills to assume the special duty of preparing the guns at the East end of the Island so that they may be useful. Let a shelter be placed over them, and ammunition prepared.

Order the troops of Washington and Milam counties to march instantly.

Use every means to get ammunition for the army. You will order powder and lead from Galveston, in such quantities as may be necessary.

Yours,

Executive Department,
City of Houston, September 22d., 1842.

To Washington H. Secrest, Esq.

Sir — Owing to the press of business in the War Department, I have concluded to communicate directly to you. — Letter of authority to W. H. Secrest to raise a company.

You are hereby authorised to raise a spy company, and be subject to the orders of the officer who may be in command of the troops.

I feel assured that the confidence reposed in your sagacity and valor will not be disappointed. You have been greatly useful on former occasions, and in the present emergency I rely upon you.

Your characteristic activity, caution and valor will be of great use, and contribute much to the success of our arms.

Let no man attach himself to your company, who will not be obedient to your orders.

God protect you!

I have the honor to be your friend and obt. servt.,

City of Houston, 22d September, 1842.

To Captain Mathew Caldwell:

My dear Sir — To-day I have heard cheering news from you. I render to you the thanks of my country and myself. You have won true glory. You have taught our insolent foe a lesson. God grant that you may teach them others of the same character.

Letter to Capt. Caldwell.

I have done all that is in my power to send you aids of men and ammunition. Nothing shall be wanting on my part that can be done.

I hope you will be able to destroy the enemy before they ever reach or cross the Rio Grande. Let it be no obstacle, if you can cross it without too much danger to your command.

In battle let your men be fierce and terrible as the storm — in victory remember mercy, where it would not be abused.

Do not suffer yourself or men to be surprised.

I have but a moment to say, God speed you.

Your friend,

Executive Department,
City of Houston, September 23d, 1842.

Permit to trade with the Indians.

Know all men by these presents that authority and permission to trade are hereby given to A. M. Stroud, to trade in goods wares and merchandise, with such Indians as may resort for that purpose to the Waco village, conforming himself strictly to the rules and restrictions which may be prescribed for his government in the conduct of said trade.

Executive Department,
City of Houston, September 26th, 1842.

To Col. L. B. Franks, Indian Agent H.

Sir — You will proceed to where you will find the Tonkeway and Lipan Indians, and repair thence with two chiefs,

or head men, of each tribe, if it would not be improper in your estimation to bring them to the Waco village upon the Upper Brazos, where you will meet in council the chiefs and head men of various other tribes, who will assemble there on the 24th October next. Before proceeding to the Waco village, however, you will report yourself in person, with the Indians who are to accompany you, to me at Washington.

You are authorised to supply in a judicious manner the necessities of the two tribes, above named, during the absence of their warriors with the Texians in the field.

I have the honor to be your obt. servt.,

Instructions to Indian Agent

Executive Department,
City of Houston, September 27th, 1842.

To Horace Baldwin, Esq.

Sir — You are hereby authorised, empowered and directed to act as General Agent for the government of the Republic, at the City of Houston, in all matters and things wherein your services may be required, by order of the Executive or of either of the Departments, and generally in the transaction of the business and preservation of the property of the government at said City of Houston, and due and special report of all your proceedings from time to time make to the proper Department.

Appointment of General agent at Houston.

For your services you will receive the usual commissions.

I have the honor to be your obt. servt.,

Executive Department,
Washington, October 3d, 1842.

To Brigadier General A. Somervell:

Sir — Your official communication from San Felipe, under date of the 29th ultimo, reached me late last night. I urge the first moment to communicate my orders.

Orders to Brig. Gen. Somervell

You will proceed to the most eligible point on the Southwestern frontier of Texas, and concentrate with the force now under your command, all troops who may submit to your orders, and if you can advance with a prospect of success into the enemy's territory, you will do so forthwith.

You are at liberty to take one or two pieces of ordnance now at Gonzales. For my own part I have but little confidence in cannon on a march. They will do on a retreat where the forces are nearly equal, but they embarrass the advance of an army. And if pressed hard on a retreat, the great aversion that troops have to leave their artillery may induce delay and embarrass all the ne-

of the army. Our greatest reliance will be upon light troops, and the celerity of our movements. Hence the necessity of discipline and subordination. You will therefore receive no troops into service, but such as will be subordinate to your orders and the rules of war.

You will receive no troops into your command but such as will march across the Rio Grande under your orders, if required by you so to do. If you cross the Rio Grande you must suffer no surprise, but be always on the alert. Let your arms be inspected night and morning, and your scouts always on the look out.

You will be controlled by the rules of the most civilized warfare, and you will find the advantage of exercising great humanity towards the common people. In battle let the enemy feel the fierceness of just resentment and retribution.

The orders of the government of the 15th ultimo having been disregarded by those who have gone to Texas, in never having reported or communicated with the Department of War, the Executive will not recognise their conduct, and you alone will be held responsible to the government and be sustained by its resources. You will report as often as possible your operations.

You may rely upon the gallant Hays and his companions; and I desire that you should obtain his services and cooperation and assure him and all the brave and subordinate men in the field that the hopes of the country and the confidence of the Executive point to them as objects of constant solicitude. Insubordination and a disregard of command will bring ruin and disgrace upon our arms.

God speed you!

I have the honor to be your obt. servt.,

Executive Department,
Washington, October 8th, 1842.

To Col. John H. Moore:

Sir — You have doubtless seen the treaty lately concluded by Messrs. Burst, Stroud and Williams with several of the Indian tribes upon our northern frontier. In the treaty there is an agreement that all the tribes bordering upon our territory shall meet commissioners from this government at the Waco village on the Brazos, on the 24th of this month, for the purpose of entering into a general treaty with them all.

It was agreed by both parties, that all prisoners heretofore taken from either should, at the time and place designated for the general treaty, be restored to their own people. To carry out this stipulation on our part it will be necessary that all the Indian prisoners amongst us should be sent up to the council to be held on the 24th instant. There are a good many prisoners in your part of the country, taken by yourself and others, in 1840, and 1841. I must

Letter to Col. J. H. Moore in relation to delivery of Indian prisoners.

ask the favor of you to interest yourself in the delivering of these prisoners to our commissioners, for the purpose of being returned to their people, in the event that the Indians comply with the agreement on their part.

Be so good as to have all the prisoners sent up to Mr. Stroud, between this time and the day designated for the treaty; as it is a matter of the last importance that we should be ready to fulfil the engagement on our part; and I have great confidence that if we comply in good faith with our agreement, a general peace may be concluded with the tribes bordering upon our frontier, which will give permanent security to our border settlements and free them from all apprehension of the harassing annoyances to which they have so long been subject; and enable us to direct all our attention, concentrate all our energies, to operate upon our more formidable and implacable enemy beyond the Rio Grande.

Thinking it probably out of your power to go with the prisoners yourself (owing to the present disturbances on the frontier) I have written to Major Chenoweth to come down and take charge of them for that purpose. Please have them all collected by the time he gets there, as the time is growing short.

I should have called upon you to act as one of the commissioners to make the treaty, only that I had learned that you contemplated making a campaign over the Rio Grande; and I wish it to be prosecuted under proper regulations, with all possible efficiency — thinking perhaps some advantage to the country may be gained by it, if well managed: And I wish you every success that bravery and enterprise entitle a patriot to.

I have the honor to be, with great respect,
Your most obt. Servt.,

Executive Department,
Washington, October 8th, 1842.

To Major John Chenoweth:

Sir — Your note of the 29th ultimo came duly to hand by attention of Col. Ogden.

Your suggestions have received my earnest consideration — Knowing as I do the importance of securing the frontier settlements from Indian alarms and depredation. Under perhaps any other circumstances than those now existing in regard to this subject, your proposition would have met with my ready acceptance.

Arrangements are in progress, however, which, it is confidently believed, will obviate the necessity of raising the company you propose. A treaty has already been concluded; and on the 24th instant a general Indian council, composed of the delegates of all or most of the tribes on our borders, will assemble at the Waco village to treat for peace and to establish with us a safe plan of friendly intercourse and trade. Through this means, I hope soon to be able to give a firm and well established peace to the entire line of our frontiers. Its advantages none will contest.

Col. John H. Moore has been written to in reference to

letter to Maj. J. Chenoweth, in relation to Indians &c.

the Indian prisoners on the Colorado, which are to be given up at the great Council on the 24th, are informed that you have been authorized to collect them together, and take them to Austin on or before the 25th instant. I would you hasten to interest yourself in the matter, and do that all if possible on delivery at the designated time and place. Fair compensation will be allowed you for your services.

I have the honor to be, with great respect,

Your friend and servant,

Washington, October 9th, 1842.

To Indian Commissioners, &c.

Gentlemen – The following points are suggested as proper to be

Points proper included in the proposed general treaty with the Indians, viz:

To a contract in treaty with the Indians.

1. Peace with all the parties to treaty. The tribes on the frontier to keep peace for us, if necessary.

2. The United States to guarantee for the Indians that they keep peace; and no citizens to introduce spirits, or trade with the Indians, but by permission of the government of Texas.

3. Boundaries to be defined.

4. No persons to reside amongst the Indians, or to trade with them but by permission of the President: No foreigner or any nation to reside, trade or travel amongst any tribe or tribes residing within the limits of Texas.

5. Neither the Indians nor the whites shall pass into the territory of the other without lawful permission.

6. Trading houses shall be established at such times and places as the President may deem fit, at which all friendly Indians may trade.

7. Should a white man kill an Indian, or commit any outrage upon an Indian or his property, he shall be punished by the laws of the Republic, as though the injured had been a white man.

8. If an Indian should kill or otherwise injure a white man or his property, he shall be punished by his chiefs as a white man would be by the laws of the Republic.

9. If injury is done to either party by the other, the same is to be made known to the agent, who is to inform the government of Texas, or the chief of the Indians, as the case may be.

10. If either party have prisoners, they shall be given up to the other without price. If a citizen or citizens of Texas, or any Indian or Indians, shall be found by the people of either party, they shall protect and assist them, and take them to a place of safety as brothers.

11. The chiefs of the tribes in treaty, to the number of two to each tribe, may visit the seat of government once a year, at the expense of government, and counsel with the President in person. They shall be protected and supported at the expense of government while on the trip.

12. That whenever any property is found among the whites belonging to the Indians, it shall be the duty of any Chief Justice, Justice of the Peace, Sheriff, or Constable, to see that the same is restored; and on the other hand, whenever property, belonging to the whites is found among the Indians, the same shall be restored in like manner by the Indian agent.

13. That no trader shall furnish any warlike stores to the Indians, unless by express permission of the President.

14. That no ardent spirits or intoxicating liquors of any kind shall, under any circumstances be introduced within the limits of any nation or nations of Indians, or at any trading house, and any such liquors found within ten miles of the line of trading houses shall be destroyed, and the person or persons introducing or attempting to introduce the same, shall be liable therefor to indictment in any county in the Republic, and upon conviction to a fine of not less than fifty nor more than five hundred dollars, and otherwise punished, at the discretion of the court. If such person or persons are in the employ of the government, they shall be immediately removed by the President.

15. That no person or persons shall, without special permission of the government, pass the line of trading houses, and then only for friendly purposes; nor shall any person or persons reside among or remain within the limits of the territory assigned to the Indians, unless by express direction of the President.

16 That the Indians shall not come within the limits of the settlements without the special permission of an agent, and then only when accompanied by one or more white men appointed by the agent for that purpose.

17. That any person who shall attempt to molest the Indians or their property, while they remain peaceable under the treaties, shall be held guilty of felony and punished accordingly.

18. That any killing or outrage whatsoever, committed by a white man upon an Indian in time of peace, shall be punished in the same manner as though the Indian were a white man; and the person or persons so offending shall be liable to indictment and punishment in any county in the Republic.

19. That any person or persons who shall attempt to raise a force for the purpose of making war upon the Indians while at peace, without direct authority from the government shall be held guilty of felony and punished by stripes, as at common law, and fined, where their property will admit of the assessment in a sum not less than fifty nor more than five hundred dollars; and when inconvenient or impracticable to be tried by the civil tribunals of the country, they shall be tried by a court martial, to be called by the colonel of the county in which the offence may have been committed, or of any adjoining county. The court martial shall consist of at least seven members, one of which may act as President and another be detailed as judge advocate.

20. That the President shall make such arrangements and regulations with the several tribes of Indians as he may deem expedient for the establishment and preservation of peace and the promotion of the common welfare.

21. That the President shall have power to procure the release of prisoners held by the Indians, upon such terms as he may deem advisable.

22. That the President shall have power to regulate the relative grades of Indians in council.

Executive Department,
Washington, District of Columbia, 1847.

To the Red Men and Allies of the Council.

My Brothers. — The Great Spirit has sent us from a distant home white men — he loves them as his children and that we should be as friends with them.

We have heard that some of our people have kept your people from coming to the council. Some have gone to war — but the Great Spirit kept the tomahawks. Some went to Mexico, and he saw that we should be friends with us, and he saw that our women and children should be free from harm.

Your great father and ruler of the United States wishes the red men and the people of Texas to be brothers. He has written to me and he tells me that you wanted peace and would keep it. Because peace is good we have listened to him. You too have heard his words, and you know the wishes of our red brothers in the Southwest. We are to be like brothers and keep the Tomahawk forever.

Bad men will make trouble — they cannot live at peace; but when the water is clear they will muddy it and make it muddy. The Mexicans have lately come to San Antonio and brought war with them. They killed some of our people and we killed and wounded many of them. We drove them out of the country — they fled in sorrow. If they come back again, they shall no more leave our country; or it will be after they have been taken prisoners. Their coming has disturbed us; and for that reason I cannot go to the council to meet you as I had intended.

But my friends that I send to you will tell you all things, and make a treaty with you that I will look upon and rejoice at. You will counsel together. They will bring me all the words that you speak to them. The Great Spirit will hear the words that I speak to you and he will know the truth of the words that you will send to me. When truth is spoken, his countenance will rejoice; but before him who speaketh lies, the Great Spirit will place trouble and darkness and will not give light to his going.

Let all the red men make peace — let no man injure his brother — let us meet every year in council, that we may know the heart of each other. I wish some of the chiefs of my red brothers to come and see me at Washington. They shall come in peace and none shall make them afraid.

The messenger from the Queen of England and the messenger from the United States are both in Texas, and will be in Washington,

if they are not sick. They will be happy to see my brothers, the red chiefs.— If the Big Mush is in council he has not forgotten my words; and he knows that my counsel was always that of a brother; and that I never deceived my red brothers, the Cherokees. They had much trouble and sorrow brought upon them, but it was done by chiefs whose counsel was wicked, and I was afar off and could not hinder the mischief that was brought upon his people. Our great council is to meet within one moon, and I will send a talk to our agent at the trading house, who will send it to my red brothers.

Let the war whoop be no more heard in our prairies — let songs of joy be heard on our hills. In our valleys let there be laughter, and in our wigwams let the voices of our women and children be heard. Let trouble be taken away far from us, and when our warriors meet together, let them smoke the pipe of peace and be happy.

Your Brother,

Passport to Tonkawa Chief.

To all to whom these presents shall come or may concern — greeting. Be it known that the bearer, Colonel Oquin, of the Tonkeway tribe of Indians, has proved himself a steadfast friend of Texas, both in peace and war; and as such is commended to the kind consideration and treatment of all good citizens. His services, and the uniform good conduct of his tribe, furnish the best evidences of a sincere disposition to maintain peace. Let the people, therefore, encourage this desire on the part of his tribe by acts of hospitality, and by protecting them in the possession and enjoyment of their property — always restraining them from the use of ardent spirits.

Given under my hand and the Great seal of the Republic.

L. S.

Done at Washington, the 21st day of October, 1842, and of the independence of Texas the seventh year

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Mutineer.

Sam Houston, President of the Republic of Texas,
To His Excellency, A. B. Roman, Governor of the State of Louisiana, one of the United States of America:
Greeting:

Whereas the government of the Republic of Texas, hath received due Demand and authentic information, through the despatches of Commodore E. W. Moore Gov. of Le commanding Texas Navy, under date of the 14th instant, that a certain individual, named Antonio Landoit, is at present a prisoner in the State of Louisiana aforesaid:

And whereas, also, the said Antonio Landoit stand

charged with having committed the crime of mutiny on board the Schooner San Antonio, a Texian vessel of war, at the time lying in the port of New Orleans; and also as a murderer of some of the officers of said vessel, and who is now a refugee from justice:

Therefore, a request (and respectful demand) is hereby made upon His Excellency, the Governor of the said State, for the person of the said Antonio Landoit, to be delivered over to Commodore C. W. Moore, commanding as aforesaid, to be dealt with as the laws which he is charged to have so grossly violated may prescribe.

In testimony whereof, I hereunto set my hand and affix the great seal of the Republic.— Done at Washington, the 29th day of October, in the year 1842, and of the independence of the Republic the seventh.

L. S.

Executive Department,
Washington, November 13th, 1842.

To Messrs. G. W. Terrell, &c., &c.;
Indian Commissioners.

Instructions &c. to Indian Commissioners.

Gentlemen.— I have accidentally heard from you as often as three times since your departure, not by despatch, but orally. It would have gratified me extremely, upon the presentation of any impediment to your mission, to have communicated with me by express.

From rumor I learn that the Indians have not arrived, owing to some misunderstanding which took place with the commissioners who met them on Red River. I hope it will be attended with no serious impediment to the treaty.

The weather has been such as to prevent either the procurement or transportation of the presents that were designed by the Executive; nor was it possible to have the prisoners assembled and delivered over, owing to the high waters.

If the chiefs will designate any white man in connexion with the commissioners, he shall be despatched for the purpose of collecting the prisoners and restoring them to their friends; as it is the earnest desire of the government that not one should remain a moment longer than they can be given up to their relations. They are principally on the Colorado and its waters, which have been higher and more difficult of crossing than has ever been known at this season of the year by the oldest inhabitants.

These things will satisfy our red brethren that our anxiety is to restore all their people that are prisoners amongst us — to receive ours — to trade with them — and to preserve perpetual peace.

You can allow a reasonable time for the collection and restoration of the prisoners; and the chiefs can designate some person, who may remain with and be under the protection of

Mr. Shoud, for the purpose of receiving them. — I desire to know, by what means the treaty negotiated on Red River obtained publicity; because, if there is a failure now to conclude a treaty and establish proper regulations with the Indians, I shall attribute it to that entirely.

I have the honor to be your obt. servt.,

Executive Department,
Washington, November 13th, 1842.

To Col. L. B. Franks, &c.

Instructions to Indian agent.

Sir — Your letter by Mr. Neill has been received.

I regret exceedingly that you have not been more explicit in your communication. You have not stated whether you have seen either the commissioners or Indians.

You speak about the commissioners and the prisoners; and about your having some presents which you designed taking up to the Indians. You have not mentioned of what description they are, or of what value. If you take any presents up to be given to the Indians, let them be placed in the hands of the commissioners for distribution, and the government charged with them.

I understood the Waco village, the place of meeting to be on the East side of the Brazos river. But in this I may have been mistaken; for I have just been informed that it is situated about ten miles above the mouth of the Bosque, on the West side of the river, agreeing with the description you gave to Mr. Neill.

I desire you to convey the accompanying letter as soon as practicable to the commissioners, with the assurance that owing to high waters, it has been impossible to collect and forward the prisoners; but it will be done as soon as practicable, as we have no motive to retain them.

I have the honor to be your obt. servt.,

Executive Department,
Washington, November 16th, 1842.

To James B. Shaw, Esq., Comptroller:

Instructions to Comptroller.

Sir — You will reserve an amount of one thousand dollars, of the Executive Contingent fund, to pay outstanding bills not yet presented for liquidation. This amount will always be kept unexpended, unless by special orders from me.

I have the honor to be your obt. servt.,

Washington, November 23d., 1842.

To Gen. A. Somervell:

Dear General — Your favor of the 14th instant reached me after some delay. As the Acting Secretary of War was engaged in making out a communication to you, I referred the intelligence to him.

Instructions to Brig. Gen. Somervell.

The fact of the American you speak of being in camp in a destitute condition, and as having resided for years among the Mexicans on the frontier, I should deem suspicious — no matter under what guise he might present himself; and as for the Mexicans which you took, I should regard them as spies. The fact that they have in Texas so universally escaped any regular punishment, would embolden them in telling you any story which might be calculated to mislead or draw you into an ambuscade.

If you advance to the Rio Grande, you have not indicated the point on which you design making an impression. It seems to me that, unless your information is much better than mine, the Presidio is much out of the way. It may, however, be proper, as I do not know your particular object, farther than to destroy the enemy to the greatest extent possible. It appears to me that Camargo would be the point at which you would be the least expected; and where the greatest impression could be made on the country. The most efficient force of the enemy will be at the Presidio. You will find the Cherokees, and the warriors associated with them, the most efficient and dangerous enemy that you could encounter on the other side of the Rio Grande. They are located in the neighborhood of Presidio.

The suggestions of the spies, touching the abundance of supplies in the neighborhood of Presidio, or on any part of the Rio Grande, I would not rely upon; and less at that point than any other. The fact of Woll's army having been mustered and sustained there for a time; and falling back again after the campaign to that point, is my reason for discrediting their report. Supplies have never been considered abundant any where on that river. But in relation to these subjects your opportunities for information are better than mine; and I regret exceedingly that you have not been more circumstantial in your details of information.

I had no idea that the season would have been permitted to advance so far before active operations would have been commenced; or, if it had been found impracticable to accomplish anything, it would have been proper that the men should have returned to their homes and left unconsumed the subsistence, that would have been available to sustain a smaller force, which might have been useful as well as necessary. Unless men are marshalled to cross the Rio Grande, and with that knowledge and determination, the design as well as the wishes of the government will not be carried out. The orders upon this subject have been explanatory as well as positive.

What expectation or assurance you have of receiving supplies necessary for a campaign, I do not know, nor have you apprised me, only in general terms. I have had hopes that something would be done: I yet hope that there may.

You speak of expecting the artillery. If you should get it, and succeed in the campaign by its means, I would be gratified. If the campaign should fail through from a want of supplies or any

other cause, it is expected that the artillery will be returned to a place of safety, with all the public stores, and left in such a state of preservation as will render them useful to the country in case of emergency. I do not wish them left in reach of the enemy, and I command that nothing be wasted.

If surprise should be permitted at any time, or horses or other property fall into the hands of the enemy, indelible disgrace will attach to the officer by whose neglect or permission it has been done.

Report has reached here that you had sent for Col. Hugh McLeod to take command of the artillery. No official notice has arrived, and I set it down as one of a thousand rumors.

The number of men, the organization of Regiments and the names of the field officers, with muster rolls, are items of great importance to the Department of War. The troops could as well be organised in two days as in two months. Companies must be composed of their full numbers – battalions complete and regiments full. A greater number of officers than what the law allows, in proportion to the number of men, will, under no circumstances, be permitted. It produces confusion in an army – perplexity to the commanding officer, and can be attended with no possible advantage.

Salute Col. Kemphill, and my acquaintances.

I am, with great consideration,

Truly your friend,

Executive Department,
Washington, December 1st, 1842.

Gentlemen of the Senate
and of the House of Representatives.

General Message to Seventh Congress.

Circumstances, involving the general interests and condition of the country, have induced an earlier call of the Honorable Congress than was anticipated. During our existence as a people, no deliberative body has ever been convened under more interesting and important circumstances; nor do I believe it will ever again devolve on any assembly of men to act upon subjects of more vital importance to their country and mankind.

Since the commencement of legislation in Texas, as a separate and independent power, we find the proceedings of Congress but too frequently characterised by acts of selfishness and partiality. The public good has but too often been disregarded, and the national interests left out of view; and thus, without establishing any general principle or system of legislation, temporary expediency has been substituted for a due consideration of the public good. Under this state of things it is but too true that the nation has been gradually declining. Instead of deriving facilities and advantages from the lapse of time, its decline, since the year 1838, to its present point of depression has been regular and more rapid than perhaps that of any other country on the globe possessing the same natural advantages. From possessing a currency nearly at par, with a circulating medium but little more than half a [illegible], and

a credit unparallelled for a country of its age, we find ourselves in a condition utterly destitute of credit, without a currency, without means and millions in debt. Instead of improving, from an increased emigration, the introduction of wealth and the improvement of our social condition, we discover that a want of confidence at home and distrust abroad are impediments which have to be counterwailed before our prosperity can be advanced.

Very few congressional enactments, it is believed, will be necessary, at least to arrest if not to produce a remedy for these evils and place Texas once more, in an attitude cheering to the patriot and creating confidence throughout the land. Our external difficulties, if managed with propriety, are of less magnitude than they have been regarded; and no country on the globe can boast natural advantages and facilities comparable to those of Texas. We possess every necessary resource for competency, wealth and national independence. To develop these and convert them to the benefit of the nation will require but little legislation, and that course of policy adapted to this end should be pursued by the functionaries of the government.

The chimera of a splendid government administered upon a magnificent scale, has passed off and left us all the realities of depression, national calamity and destitution. The lessons of prudence and economy which experience has inculcated should not be lost but rendered available, that some of the evils incurred may be remedied whilst others may be averted.

Although we have an enemy upon our frontier and are not in a situation to retaliate in such manner as our disposition would urge us to do and carry war into their territory; yet, if our resources are carefully economised and properly employed we can render their predatory warfare harmless. Instead of permitting ourselves to be excited and irritated so as to vanquish ourselves by disorderly rallies to the frontiers, we have it in our power to maintain a force sufficient, under regular discipline, to secure us against serious aggression and deter the enemy from their repeated incursions. As it has hitherto been, the people have rushed to the frontier on the first alarm given of the enemy's approach. A want of discipline and subordination was the consequence; and after consuming the substance of the frontier settlers, they have returned to their homes, leaving behind them an exhausted country; and for the want of order and discipline, having permitted the enemy to escape without chastisement.

When alarms have been given, instead of apprising the Executive, through the Department of War, by express, and giving notice to the several counties on the frontier, whose duty it was to hold their militia in instant readiness they have appealed directly to the citizens and invoked their aid, with whom concert of action could not be expected. The consequence was that the Executive, upon the receipt of this irregular information, issued the proper orders; but owing to the delays incident to a want of effective organization in the militia, celerity could not be given to the movements required, and the enemy, after having produced great excitement effected their retreat. These circumstances caused a campaign to be projected by individuals not functionaries of the government without first having obtained the advice and sanction of the Executive - they pledging ample supplies for those who should engage in the campaign to the Rio Grande. Whatever the opinions of the Executive under these circumstances may have been; aware that the opinion prevailed that it was practicable, by private means, to conduct a campaign,

and having ordered out such of the militia as would have it in their power to reach the frontier before the season would be too far advanced, to meet the emergency which had but recently existed, he determined to give all the aid efficiency and direction to the patriotic ardor of the people that the means in his power would permit. But it is impossible that campaigns can be either projected or conducted with success or advantage to the country unless under the auspices of the government. Individuals cannot know the situation of our relations, either foreign or domestic. A campaign may be designed by the government for the purpose of effecting a particular object, for instance a surprise of the enemy. It may require all the resources of the country, the greatest secrecy and that the whole force of the country should be in readiness to act in concert so as to effect the design. If individuals assume the right of projecting campaigns, they are liable not only to thwart the designs of the government, but, by a diversion of a portion of its means, bring on disaster and ensure the greatest calamities to the country. Indeed, it has not been unfrequent upon the frontier to project and conduct campaigns without reporting to the proper department any fact or circumstance connected with them from beginning to end. Public stores and munitions of war have also been applied in this way without the sanction or even the knowledge of the government.

At the commencement of the present administration, it was the earnest desire of the Executive to be enabled by acts of Congress to maintain a force on the frontier amounting to from one to two hundred men. Could this have been done he remains satisfied and confirmed in the opinion that the recent calamities and annoyances upon our frontier would not have occurred. Less than one fourth of the amount which the incursions of the enemy have cost the country and the frontier citizens would have sustained the force requisite. Unless something can be done to prevent the system of molestation practised by the enemy, it will cause Texas to subdue herself. If the whole country is to be agitated and called from their homes at the appearance of a few hundred rancheros, who can make a display on our frontier and again recross the Rio Grande, before our citizens have left their homes; a few only having rallied in numbers sufficient to jeopardize themselves without effecting any useful object, we can never hope for security to our frontier or tranquility to its citizens. If it is impossible to maintain such a regular force as would be adequate with the present means of the government; it is at least within the power of Congress to enact such laws as will compel the requisite number of militia to be furnished by draft from the counties, as will meet the necessities of the frontier. In this way we have the means of giving protection to that interesting portion of our countrymen who have adventured to the West and South. And the Executive continues to regard it as he has ever done, of vital importance to the citizens. They have taken their position on the frontier and sustained themselves under every disadvantage. They have claims upon the sympathies as well as the protection of the country.

No doubt can now be entertained that the prime object of the enemy is to molest our frontiers and harass and annoy our sea-board. To use such precautions as their policy will enjoin upon us, should be equally the primary object of the Honorable Congress. Since assurances of undoubted character have been given, that the enemy are strengthening themselves by water, every means has been employed and precaution taken to render abortive any attack which they might make upon our sea board. The port of Galveston is now in a condition of defence more efficient than could be expected when we take into view the means placed at the disposition of the government and the necessity of relying mainly

upon the contributions and labor of the citizens of that place. Colonel George W. Hockley, an officer of skill and great efficiency, was appointed Acting Colonel of Ordnance by the Executive and assigned to the duties of Engineer and Ordnance officer for that station, to continue during the emergency which enforced the necessity of his appointment.

For the want of means, every possible embarrassment has been presented to the administration. Texas in truth presents an anomaly in the history of nations; for no country has ever existed without a currency, nor has any government ever been administered without means. The transition from a state of things where unrestricted and unlimited extravagance prevailed and disbursements were made without appropriations by Congress, to a state of things, where we are without means, without appropriations and without disbursements is well calculated to bring odium upon the administration of the government, unless examination is made into the causes which have led to its situation and the circumstances which have involved it in its present unfortunate dilemma.

Aware of the attitude in which the country must be placed, the present Executive, upon coming into office, recommended such measures of finance as he was satisfied would to some extent relieve the existing embarrassments and eventually extricate the country from its involvement. The system recommended was not adopted. The issue of Exchequer bills, the representative part of the system was adopted, but the foundation of the issue was not regarded. Authority to hypothecate the Cherokee lands, or to make sale of them, or any portion thereof was omitted to be given. The collection of the direct tax was also postponed for six months after the usual period for its collection, and the Exchequer bills of necessity referred for redemption to imposts and licenses alone. The excitements in the country have prevented importations and persons owing their license tax have refused to pay. The process of collection is so tedious that unless some prompt remedy is devised by Congress it is useless to regard such a tax as a source of public revenue. The Exchequer bills being thus left dependent upon import duties for their redemption – no other demand existing for them – depreciated; and at one time were worth in market but twenty five cents on the dollar, though the whole amount issued up to this time is only about one hundred and twenty five thousand dollars; and the amount now in circulation cannot by possibility exceed thirty thousand. Had the requisite authority been given for the hypothecation of the Cherokee country for the redemption of these bills, and had the time for the collection of the direct tax not been postponed and the license tax been collectable, and the warehousing system been abolished, it is believed a sum more than double the amount of two hundred thousand dollars could have been already brought into the Treasury.

At the extra session in June last a law was passed, authorizing the Executive to have surveyed and brought into market four hundred thousand acres of the Cherokee lands, but under such restrictions that they amounted to a prohibition. Competent surveyors, after contracting for the execution of the work, declined its prosecution, having been assured that such hindrances would be interposed as would render their efforts, if not abortive, at least unpleasant. For the purpose of placing this subject at rest in the future, and that the country may not be

prejudiced any longer in its just interests, there will be laid before the Honorable Congress at an early day, an opinion of the Attorney General, which for ability, clearness and conclusion, must place the question of right in the government forever at rest, and enable the Congress to adopt such measures as will convert some of the most valuable resources of the nation into means, and have a tendency with other measures to sustain further issues if needful under the Exchequer law, to an extent double that now authorised to be issued.

It is recommended to the Honorable Congress that a law be passed prohibiting the circulation within the limits of the Republic of the notes of all foreign banks, and that all individual and corporation notes, intended for circulation as currency in the Republic, be suppressed; and that engraved Exchequer bills, of denominations ranging from twelve and a half cents to one dollar, and from one dollar to one hundred dollars, be issued and made receivable for all dues to the government, except those arising from imports and tonnage; and that these latter be receivable in nothing but gold and silver. That the Exchequers can be sustained in credit by a course of this kind there can be no doubt. Up to this time none of them have been husbanded, but for the purpose of paying duties. The demand will be greatly increased, and as soon as the taxes are collectible they will become an object of procurement. If prudence is observed in their issue, the whole amount now authorised would not be sufficient to pay the direct taxes, and that deficit must be made up in gold and silver. It is impossible, under these circumstances that the money should not be at par, from the time that taxes are collectable as the demand would be greater than the amount in circulation to meet it. According to the amount of circulating medium in the United States -- estimating our population at one hundred thousand souls -- our circulation ought to be six hundred thousand dollars, or six dollars for each individual. Supposing this data to be correct, a circulating medium of one third of that sum would, from the force of circumstances sustain itself at par, controlled by the absolute wants of the country. I view the subject of the finances of the nation as of vital importance to its existence; and that they can be sustained in a sound and healthy condition the Executive entertains not a doubt.

To enforce the collection of the revenue is also of the highest importance. The enactment of laws without their enforcement is of no avail to the country. If resistance is made to the constituted authorities, of what avail are enactments on paper without the means or the power to punish? It is the duty of Congress to enact such laws, as will enable the Executive to command the power commensurate to their execution. Resistance to the constituted authorities and to the laws of the land, is one of the most flagrant offences that can be committed against society; and is entitled to no milder appellation than that of sedition or rebellion. The constitution has declared these offences, but has not prescribed a remedy for the punishment of offenders. That power is delegated to Congress. The attention of the Honorable Congress has therefore been called to it and salutary enactments requested: They are now urged as indispensable to the public safety and the execution of the laws. The law has delegated to the President the power

to call out the militia to suppress insurrection, without giving any definition to the crime, or authorising the infliction of any adequate punishment. No tribunal is appointed for the trial of the offence. Instances have occurred within the last three years of a character well calculated to enforce a conviction upon the mind of every patriot that the offence should no longer be disregarded or the delinquents unpunished. Our prosperity as a nation, depends upon the security of life and property being guaranteed to the peaceful citizen, and the punishment of those who disregard the spirit and letter of our social compact. When men take the laws into their own hands, or undertake to construe the constitution in derogation of the constituted authorities of the land, it manifests a diseased condition of the body politic and demands of the law making power the prescription of a remedy, whilst the Executive by his oath is bound to enforce it. The punishment of offences ought to be as prompt and summary as the nature of our institutions will admit. The reason is manifest. There are not jails and prisons in the country for the confinement of the accused; nor are the several counties in a situation to pay a tax sufficient to ensure the safe keeping of culprits.

Our foreign relations have undergone no material change since the last Executive communication to the Honorable Congress with the exception of the exchange of ratifications of the treaties with Great Britain. No information has been received in relation to the mediation of that power between Texas and Mexico. It is hoped, however, that before the adjournment of the present session, it will be in the power of the Executive to submit to the Honorable Congress important information embracing that subject. A treaty of amity, commerce and navigation, has been negotiated by our minister the Honorable James Reily, with the Government of the United States, the treaty not having yet been received, it will not be within the power of the Executive, to submit it to the Honorable Senate for their consideration as early as he anticipated;— its arrival however is daily expected.

Nothing is better calculated to present the deplorable financial condition of Texas than the situation of our post-office and mail establishment. For the years 1840 and 1841 not less than one hundred and ninety thousand four hundred and seventy dollars in promissory notes, besides four thousand two hundred and fifty eight dollars in Exchequer bills were appropriated to sustain the establishment. For the service of the present year, Congress appropriated only five thousand dollars in Exchequer bills, without making any allowance for their depreciation— nor did they leave any discretion with the Executive to sustain this important branch of the government. Texas, at this time, furnishes the singular fact of a government without the means of conveying intelligence or distributing the laws throughout the Republic. It is doubtless the only community on earth at this time, purporting to be a nation, that is similarly situated. Instead of inquiring into the causes which have produced this state of things and the reasons which enforce them upon the country it is imputed to the delinquency of the admin—

istration. It is for Congress to determine whether means can be devised; and if they can, whether they will be employed in sustaining the mail establishment. There is reason to believe that the proceeds arising from a well regulated mail establishment would go far towards defraying the expenses incident to its maintenance. The diffusion of general intelligence throughout a country like ours, subject to frequent causes of excitement on the frontier, is of great importance. The ready circulation of intelligence would prevent much confusion and commotion throughout the country and enable the Executive to command the means of its defence with some degree of certainty; whereas he has had to rely alone upon the procurement of expresses without the means at his command of even defraying their expenses while in service. When, indeed, he could obtain them at all they had to rely upon the future ability of the Government for compensation. A free government cannot exist without mails. - At the called session in June, the attention of the Honorable Congress was most earnestly invoked to this subject, but met with no favorable response, and has therefore remained neglected up to this time for the want of means, though, with great exertions, some of the principal routes have been partially maintained.

Another subject of some importance in the present crisis, I deem it my duty to present to the Honorable Congress.. In the month of March last, during the incursion of the enemy, under the provisions of the constitution, the President felt it to be his imperative duty to order a removal of the archives and Heads of Departments from the City of Austin to a place of safety. As to the propriety and necessity of the act, no reasonable doubt could exist.

The constitution declares that the President and Heads of Departments shall remain and keep their offices at the seat of government unless removed by the permission of Congress, "or unless in cases of emergency in time of War the public interest may require their removal." That this emergency did exist to a most palpable extent is demonstrated by the fact that, for temporary security, the archives were buried with a view to secure them from injury. The Executive, in accordance with this information, ordered their immediate removal to the City of Houston, as a place of undoubted security. Agents were ordered to provide transportation, so as to effect it with the greatest despatch, and to secure the public arms and stores which were at that point and which have since sustained much damage and loss by their non-removal. The President considered that he was the sole judge of the emergency requiring their removal. Resistance however has been offered and continued up to the present time. Acts of the most seditious and unauthorised character have been perpetrated by persons styling themselves the "Archive Committee," positively refusing obedience to the orders of the Executive, and refusing to permit individuals to remove from that place with their effects, unless a passport was granted by some member of said committee. The Executive felt a reluctance to have recourse to such measures as would have enabled him to carry out the provisions of the constitution. During the late incursion of the Mexicans, the Executive has been informed that a prominent individual made application to cull and select such papers as he deemed of importance for the purpose of conveying them to a place of safety. The commissioner of the General Land Office, anxious to secure the archives in his charge from injury, attempted their removal, but his authority was resisted - the committee proposing to remove them, but at the same time to retain a supervision of them and to designate the point to which they were to be removed, thereby clearly conceding the insecurity of their present situation.

and assuming to themselves the power of resisting the constitutional authorities of the country and interfering with the constitutional right and duty of the Executive. The causes which at first existed under the provisions of the constitution for the order for their removal by the Executive still exists with undiminished force. This flagrant violation of all civil rule, inculcates the indispensable necessity of some congressional enactment for the purpose of suppressing insurrectionary acts towards the authorities of the country. If individuals are permitted to associate themselves into bodies for the purpose of resisting the constitution and laws of the country, the laws cease to be operative. The salutary provisions of the constitution are negatory and rebellion and anarchy take their place.

The reasons for the removal of the archives from the City of Austin still existing, it was deemed most proper to convene the Congress at this point. The subject was laid before Congress at the late extra session and no definitive action took place. In addition to the fact that the Supreme Court had been, by law, recently removed to the town of Washington, and the removal of the archives to the same place would be attended with no public expense, the Executive regarded it as, in many respects, under existing circumstances, the most eligible safe and convenient location for the seat of government.

The Executive has been informed that public arms and other government property of much value, and which would be of great convenience in our present circumstances, are distributed in various parts of the country, having been appropriated by individuals to their private use, which they refuse to give up in compliance with the orders of the government. It is therefore suggested whether it would not be proper to invest the Executive with authority to enforce the collection of the same, that it may be applied to the public benefit.

While presenting subjects to the consideration of your Honorable Body of vital importance to the nation, our Indian relations will be entitled to at least secondary estimation. Soon after the commencement of the present administration, the President, anxious to renew that course of policy which he was satisfied would alone give peace and security to the frontiers, availed himself of every means of information upon the subject, and from assurances of the Indians themselves as well as officers of the United States government employed in the Indian Department, he was satisfied that a sincere disposition towards peace was entertained by the Indians. He accordingly despatched commissioners to the East of Red River (whither the Indians of Texas had generally retired with their families, and from whence they sent out war parties to the frontiers of Texas) for the purpose of establishing amicable relations. They met the Indians and entered into negotiations with them, with interim arrangements to meet again on the Brazos at the Waco village, as the commissioners understood it, in the month of October last. The commissioners attended, but owing to some cause, the Indians were unable to attend. Some difficulties intervened at the time of the formation of the treaty East of Red River. The principal ground on which it was believed the Camanches would not enter into a treaty, or adventure themselves to a council, arose from the circumstances attending the unfortunate affair which occurred in Bexar in the Spring of 1840, in which they lost many of their principal chiefs, after they had re-

ceived a solemn invitation to come in and establish friendly relations. It was alleged that they were yet crying for their kindred and that the clouds of sorrow yet rested upon their nation, because their chiefs were no more, and they had not the light of their counsel to point to the path in which they should walk. Other tribes who had been friendly with the colonists of Texas and had always been friendly and commercial with the first settlers of the country, though they had occasion to deplore many circumstances, were nevertheless anxious to return with their women and children to where buffalo were abundant, and where they could obtain subsistence for their families, live at peace with the citizens of Texas, and carry on trade and maintain friendly intercourse. The government of the United States has indicated a willingness to guarantee peace and maintain the treaty stipulations which may be entered into on the part of the Indians, provided Texas maintains good faith on her part. That friendly relations can be established, there is no doubt; and messengers are now out among the various tribes, for the purpose of ascertaining the particular reasons why the chiefs of the several tribes did not meet our commissioners at the Waco village; and the Executive will not be remiss in the proper appliances of whatever may contribute to the achievement of an object so truly desirable to the interests of the country. It has not been to him a matter of much astonishment that the chiefs did not attend. The season has been one of unprecedented character. The high waters, the inclemency of the weather and the range of the buffalo being further south than is usual at this season of the year, would interpose difficulties to the attendance of the Indians that seem to be quite satisfactory for their absence.

If a treaty is once concluded and good faith maintained on the part of the people of Texas, there can be no doubt that friendly relations will be maintained with the Indians. When only a few hundred families existed in the colonies, Texas had friendship and commerce with the border tribes. Those who engaged in the commerce found it profitable, and but few interruptions took place between the whites and the Indians. Since then causes have arisen that have broken off all commerce, and such has been the exasperation of feeling on the part of the Indians that there was no medium by which they could be approached, unless through tribes resident within the limits of the United States, or the Indian agents of that country. The fact of all the commerce of the Indians with Texas ceasing, would induce them to seek a market for the spoils acquired by depredations committed upon our citizens. This they could readily find at trading houses on the Red River and with the various tribes in friendship with the United States, who could furnish them articles obtained from the United States traders, who would regard it as a fair traffic. The border Indians, having secured their wives and children beyond the limits of our territory, were incited to continual outrages on our citizens and regarded us as irreconcilable enemies to them. Extermination of all Indians within our borders having been denounced by the former Executive upon his coming into office, they viewed every act of hostility on their part as one of retaliation; and their hostility, having nothing of interest to counteract or restrain it, has exposed the frontiers of Texas to continual depredations. Let peace once be made with them – let them realise that they can obtain such articles as they require within the vicinity of their families and hunting grounds, maintain good faith on our part, and they will at once perceive that their

interest is to remain at peace and in commerce with us, that their women and children may remain secure in their wigwams and renew their agriculture. Their warriors will be changed into hunters; and should they entertain a passion for war, its theatre will be distant from their families; they will find new enemies to make war upon at least as profitable as Texas, and we shall enjoy the benefits of a lucrative commerce and become the recipients of the fruits of their enterprise, whilst our citizens will enjoy security, and our frontiers exemption from alarm.

All the information within the control of the Executive will be submitted to the Honorable Congress, during the progress of the session.

Gentlemen, that your deliberations may be attended with the most salutary benefits to the country, and that in its present depressed condition, it may derive under a munificent providence, essential aid from the exercise of your patriotism and wisdom is my most fervent desire.

Executive Department,
Washington, December 1st, 1842.

C. Mason, Esq.
Auditor:

Note to Auditor asking information.

Sir — I wish you to state to me officially whether any members of Congress elected, are defaulters to the government or holders of public money; and if so, to what amount, and whether the same has ever been reported. State whether or not you ever paid any public money, agreeably to appropriation; or under what circumstances, to James Webb, Esquire.

It is desirable that the laws and constitution should be maintained. If it is not done, the fault shall not be chargeable to the government.

I have the honor to be your obt. servt.,

Washington, Texas, December 9th, 1842.

To General Taylor.

Note to Gen. Z. Taylor, U. S. Army, in relation to prisoners from Indians, &c.

General — The bearer, Mr. Parker, will hand you this note. He is the uncle of the little boy purchased of the Camanches, by the name of Tommy, and said to be within your command. That he can identify the child, I have no doubt.

In relation to this boy, and other prisoners, Mr. Parker applied to me six years ago: from which time he has been a constant

sufferer, using every exertion in his power and exhausting his means, until he has become poor in their pursuit. He is now a poor man; and I feel assured, from your known character, that you will fully appreciate his condition of mind as well as his circumstances; and render him every facility which his situation may require.

Any expenses which may be necessarily incurred in obtaining the boy will be met by the government. The law does not authorise an advance to Mr. Parker on this occasion; and owing to the universal pressure in Texas, he will have to rely upon the charity and munificence of the friends of humanity.

I am, with great respect,
your obedient servant,

Executive Department,
Washington, December 10th, 1842.

Letter of authority to Smith & Chandler to remove the national archives.

I, Sam Houston, President of the Republic of Texas, reposing special trust and full confidence, in the prudence, energy and ability of Thomas J. Smith and Eli Chandler, do, by these presents, authorise, empower and direct them the said Thomas J. Smith and Eli Chandler, jointly, or either of them separately, to remove or cause to be removed, from the city of Austin to the town of Washington, all the public archives and government stores there now remaining, of all and every description whatsoever: And the special agent of the government at that place, the Hon. Thomas William Ward, will deliver, and they the said Thomas J. Smith and Eli Chandler will receive from him and transport the same as aforesaid: And all persons are hereby enjoined and specially commanded, in the name of the constitution of the Republic, in no wise to interfere with, obstruct or impede the fulfilment of the Executive order heretofore issued, directing the removal of the government archives from the city of Austin: But in furtherance of that object, to permit their free and uninterrupted passage.

Given under my hand at Washington, the day and year above written and of the independence of the Republic the seventh year.

Executive Department,
Washington, December 10th, 1842.

To Messrs. Thomas J. Smith and Eli Chandler:

Gentlemen — The importance of removing the public archives and government stores from their present dangerous situation at the city of Austin to a place of security, is be-

daily more and more imperative. While they remain where they are, no one knows the hour when they may not be utterly destroyed. They are constantly liable to attack and destruction by the enemy. A due regard to the rights and interests of every citizen of the Republic, therefore, imposes upon the Executive, under the constitution the duty of providing for their safety. In performing that duty, he must rely upon the agency of those to whom he shall entrust the execution. Your prudence and energy, Gentlemen, point you out to me as the proper agents for the performance of the work. You will accordingly receive herewith full authority to act. The manner of effecting your object will be left to your sound judgment and discretion.

You will of course be attended by such aid as any contingent emergency may require. You are acquainted with the condition of things at Austin, and the exasperation of feeling pervading those who are directly interested in that place. You will govern your movements so as to suffer no detriment, either to yourselves or the property you may have in charge. Be prepared to act with efficiency. Do not be thwarted in the undertaking.

From the great weight of the archives, it will require at least some ten or fifteen wagons, with strong teams, to remove them.

It would, also, be well to conduct your operations with the utmost secresy; and by all means raise a sufficient force to take possession of and guard the archives, before any rumor of your intended visit could possibly be received there. You might raise your men as if for an Indian excursion; and by no means let your object be known till you are ready to act. Threats have been made, that if the archives are ever removed, they will be in ashes. The loss to the country in such an event would be infinite and irreparable.

You can determine which would be the most eligible route - down the Colorado or across the country to the Brazos. The latter would likely be the safer - particularly from Mexican attack.

The government offices being now here, the archives and all the public property, at the City of Austin, will be brought to this place.

You will report to Col. Thomas William Ward, Commissioner of the General Land office, at Austin, and special agent in charge of the archives, who will give you all the facilities in his power.

I have the honor to be your obt. sert.,

Washington, December 10., 1842.

To Col. Smith and Capt. Chandler:

Gentlemen — Accompanying, you have letters of instruction and authority to proceed forthwith in concert with each other, to the removal of the public archives and stores from the City of Austin to this place. The country - which is deeply - deeply interested in the preservation of the land office and other records,

tructions to th & Chandler.

will rejoice at your success. May Heaven favor your efforts. — You must settle the question of rank, or precedence, among yourselves, in the management of the matter committed to your charge.

It would perhaps be well to despatch a confidential express to Col. Ward, communicating to him your time and mode of proceeding. You will receive herewith a copy of the letter addressed to Col. Ward. The sealed enclosure to his address you will please forward to him by some safe and confidential person, with positive instructions not to place it in any other than Col. Ward's own hands.

Promptitude and despatch may save the records of the nation, and even the nation itself!

I have the honor to be your obt. servt.,

Washington, December 10th, 1842.

Instructions &c. to Col. Ward.

To Col. Thomas Wm. Ward;

Dear Sir — I have this day written to Col. Thomas I. Smith and Capt. Eli Chandler, upon the subject of the removal of the archives and the government stores, now remaining and under your charge, as special agent at the City of Austin. I have been assured by one of those gentlemen, that he would effect so desirable and necessary an object. They are certainly in a very precarious and unsafe situation. What the Mexican or Indian enemy might not do, I am led to believe, from the various threats that have reached my ear, might be accomplished by the irresponsible, unprincipled and lawless among our own citizens. I am told that their destruction by fire has been frequently denounced by some of those who oppose their removal. Such an event would produce not only incalculable but irreparable injury to the people of Texas; and must not, if possible, be permitted. Col. Smith and Capt. Chandler will act with secrecy, efficiency and despatch, as their prudence and discretion shall dictate. When ready to begin the work, they will report to you — from whom, I doubt not, they will receive every facility in your power.

It is very important that the iron chest, belonging, I believe, to the Quarter Master's Department, which was secreted under that office, and which has been since removed to Luckett's in the neighborhood, should be secured and brought away. It contains evidence of individual indebtedness to heavy amounts. There are also commissary's stores, &c., &c., which should be brought away.

I have the honor to be, very truly, yours,

/Secret./

Executive Department,
Washington, December 13th, 1842.

To the Honorable, the Senate:

Nominations.

I respectfully submit for the advice and consent of your Honorable Body, the following nominations, in which a concurrence is respectfully requested:

James B. Shaw, Comptroller:
Alexander Somervell, Collector of Customs for the Port of Calhoun:
Sanford Holman, Collector of Customs for the Port of San Augustine:
K. L. Anderson, District Attorney for the 5th Judicial district:
Paul H. Earle, Surgeon, Texas Navy:
B. Owen Payn, Captain of Ordnance:
Charles H. Raymond, Secretary of Legation to the United States:
Lachlan Mac Intosh Rate, Consul General of Texas for Great Britain:
Lewis J. Herckenrath, Consul at Amsterdam, Netherlands:
William Bryan, Consul at New Orleans, United States;
Nathaniel Amory, Consul at Boston, United States:
William B. Hamilton, Consul at Richm[illegible], Virginia, U. States:
Thomas H. Airey, Consul at Nachitoches, Louisiana, U. States:
Wyatt McGaffey, Notary Public for Jefferson County;
Daniel Montague, Notary Public, for Fannin County:
Nathan Cordra, Notary Public for Jefferson County.

Executive Department,
Washington, December 14th, 1842.

To the Honorable, the Senate:

Special Message requesting the Executive to lay before the Senate as soon as practicable any communications which he may have received from the Governor, or relations with Yucatan.

The resolution of your Honorable Body of yesterday's date, requesting the Executive to lay before the Senate as soon as practicable any information as to other authorities of Yucatan, has been received; and in compliance therewith the communications referred to are submitted with great pleasure — both in the originals and translations, as far as they have been translated. That marked No. 1, and addressed to the Executive, is the only one he himself has ever received. It will be perceived it amounts simply to a notification to the Executive of this Government that the Government of Yucatan had no farther occasion for our assistance at that time, and that they would not have for eight months. The other letters are addressed to the Secretary of State; to whose Department the Senate is respectfully requested to direct their return, inasmuch as copies could not be conveniently prepared.

Since the date of these communications, the Executive has received no further intelligence from that quarter except through the medium of the newspapers. As no continuance of the correspondence seems to have been suggested by the tenor of these letters, the Executive

did not, for various reasons, open one with the authorities of that country; particularly so as he did not deem it proper to fraternize with them, although assured that our vessels would always meet in the ports of Yucatan the most friendly reception.

At the time negotiations were first opened by this government with Yucatan, the present Executive, then a private citizen, could not but hope that any propositions from them in their then attitude would not be entertained by this government. They were an integral part of the Mexican Republic, with which we were at war. They had not separated themselves or assumed independency of Mexico. Therefore they were our enemies. To enter into arrangements with them, could not in my opinion change that character or be productive of any good; but might result in serious injury to Texas. The then Executive had a secret agent at Mexico, for the purpose of negotiating peace between Texas and that Government, and no less than two ministers plenipotentiary and envoys extraordinary had been despatched with a view, ostensibly, to negotiate amicable relations; and professions were made of a disposition on the part of the government of Texas to promote that object.

In the face of these circumstances, for Texas to render aid and support to a rebellious portion of Mexico, was well calculated to produce feelings of the most hostile character on the part of the government of that country towards Texas. It was setting at nought every profession which had been made, and pretermitting every hope which might have been entertained of adjusting our affairs with Mexico. Our connexion with Yucatan stands without an example on record. She had not declared her independence – she was a portion of the Mexican Republic, and held herself, as such, dependent upon the contingencies of treaties. But had she declared her independence, it would have been unwise, impertinent and indelicate in Texas to have thrust herself forward and been the first to recognize the independence of a new community, in anticipation of the views and dispositions of the most powerful and best established governments in Christendom.

The Executive of Texas has not, nor had he ever, any right under the constitution to form treaties of alliances with any other government, or to attempt to carry them into execution, without the sanction of the Senate. In the case of Yucatan, that Body had given no expression in relation to such an alliance. Our navy was hundreds of miles detached from the protection of our coast, subsidized to a revolutionary portion of Mexico and placed at their disposition. And after having been thus employed for months, returned destitute to our shores – not having been paid the amount contracted for, and without adding renown to our navy, or reaping glory or advantage for the country. Since that time, all the means and efforts of this government have not been able to get the navy again to sea.

The whole transaction was not of this government. It was that of an individual placed at its head, without having authority either under the constitution or law. And whatever is done without authority is of course violative of that law from which the authority is assumed to be derived.

The Executive cannot but remark to your Honorable Body that had he, under all the circumstances attendant upon this alliance with Yucatan, continued the correspondence, he would have been acting in bad faith to the people of Texas. He does not wish to soil his sheet with the crime of treason; and were he to "adhere to" the enemies of the Republic and render them aid and support, he would bring himself within the definition of treason under the constitution. He regards any aid rendered to Yucatan as ultimately serviceable to Mexico; assured as he is, that though the flickerings of a revolutionary spirit

render to the malcontents a momentary gleam of hope, eventually they will be reunited to Mexico; and he would not be surprised if their adhesion had been tendered before the present moment.

Executive Department,
Washington, December 15th, 1844.

To the Honorable, the House of Representatives:

Special Message

The Executive has the pleasure to transmit copies of such official reports and orders under which the present campaign is organized, in relation to the plan of the campaign therein reported, as are requested in the resolution of your Honorable Body of the 13th instant, embracing an abstract of the force employed, so far as it has been reported to the War Department; all which he submits without remarks, further than to request of your Honorable Body that the documents may be read previous to their being referred to any committee.

It is to be regretted that important information is often communicated to Congress and, without reading, is referred to committees where it is frequently permitted to slumber until the close of the session, whereby a knowledge of facts is frequently suppressed, which, if known to the Congress would often give rise to necessary and highly useful legislative action. For this reason the Executive has appended this request to the information desired by the resolution.

Washington, 20th December, 1842.

To Major Asa Brigham:

Instructions to Treasurer, &c.

Sir — You will, I hope, receive the receipt which the Hon. G. W. Terrell holds of the former Secretary of the Treasury, John G. Chalmers, Esq.; and after making the proper deductions, according to the face of the receipt, you will pay over to him the balance, according to law, out of the proper appropriation, holding the receipt or certificate as a voucher against the warrant, should it be presented at the Treasury.

I have the hono to be your obt. sert.,

/Secret./

Executive Department,
Washington, December 19th, 1842.

To the Honorable, the Senate:

Special Message transmitting treaty with U. States

I have the honor to transmit herewith the treaty of Amity, Commerce and Navigation between the Republic of Texas and the United States of America, concluded at the City of Washington, on the 30th July last, by their respective Plenipotentiaries, for your consideration and constitutional advice in reference to its final ratification. The stipulations of this treaty, it is believed are as favorable to Texas, as, under existing circumstances, could be expected, and I respectfully recommend it to your favorable regard.

By article V, an important concession is made to the United States in the privilege granted of importing a large class of goods into this country for exportation free from any duty or charges whatever. This opens to those goods the trade of northern Mexico. On the other hand the raw cotton of Texas is permitted to be imported into the United States, free of duty, for five years, and a corresponding class of goods to that above referred to, are permitted to be imported into the United States for exportation, free from any duty or charges, during the continuance of the treaty. The privilege of repacking goods destined for transportation to a foreign country is also mutually conceded.

These concessions made in favor of goods, the growth, produce and manufacture of the United States, it might be contended, from the language of the article, are free and gratuitous, and would therefore, according to the terms of our treaties with France, England and Holland, become immediately common to all of those nations.

Since the instructions under which Mr. Reily, our able Chargé d'Affaires, negotiated this treaty, were given him, information has been received that France is anxious to obtain from this government the same privileges which are by this article extended to the United States, and that she would be willing to grant some important equivalent in consideration thereof. It is fairly to be inferred that England and Holland would do the same. In order therefore to prevent any cavil in relation to the construction of this article and to secure to Texas the important advantages which might hereafter result from witholding without an adequate compensation, the privileges and immunities granted the United States in this article, from other nations, I would most earnestly recommend the Honorable the Senate, so to modify or amend the V article, as clearly to express the fact that the concessions made therein were for a valuable consideration, and not, as might now be contended, gratuitous and free, and therefore common to all those powers with which we already have or might hereafter form commercial treaties. A very slight alteration in the language of the article would effect this desirable object, and as it would render the treaty more acceptable to the United States, it is presumed no additional delay would result in its ratification by that government.

/Secret./

Executive Department,
Washington, December 22d., 1842.

To the Honorable, the Senate
and House of Representatives:

Special Message in relation to the Navy; and relations with Mexico, prospect of invasion, &c. &c.

The Executive regrets that bad health and a press of indispensable duties have combined to prevent his laying before the Honorable Congress, as he was anxious to do at an earlier period of the session, information touching the Navy of Texas. He has to regret, also, that he has not been able to procure such information on the subject as would be, in every respect, entirely satisfactory. Such as is in possession of the Department, however, he freely submits. No reference was made to the Navy in the annual message for the reason that it was deemed unwise to present to the world the deplorable condition of that branch of the public service; and hence, with other subjects of absorbing interest, it was reserved for a secret communication.

When the present administration commenced, the Navy was absent in the service of Yucatan. It returned early in May last off Galveston, and was forthwith ordered to New Orleans and Mobile, for the purpose of refitting for the enforcement of the blockade then proclaimed by Texas against Mexico, in the confident belief, as expressed by its commander that by the aid of the friends of Texas in the United States, he would be prepared for sea in a very few weeks. The government was induced from time to time by his reports and representations to expect it soon to be in a state for efficient service on the gulf. Every assistance which the government thought advisable under the circumstances in which it was placed, had been afforded in accordance with the views of its commander. Nothing however was effected of any useful character.

In the month of July last, Commodore Moore arrived at Houston and represented that if the balance of the naval appropriation, amounting to eighteen thousand eight hundred and twelve dollars and seventy four cents, was placed at his disposition, he would be enabled, by hypothecating the money as collateral security to his own paper, to get at least four vessels to sea. When the money was advanced to him – it being the whole amount of the appropriation for the present year – he was expressly required in the event of its hypothecation, so to provide, that no portion of it whatever, should be thrown into circulation under ninety days from the time at which he might enter into contract. A portion of the money, nevertheless, as reported to the government, returned by the same steam packet that transported him to New Orleans, and had a powerful tendency to depreciate our currency by creating the belief that though the issues were restricted at the seat of government, yet that large sums had been thrown into circulation at other points in anticipation of the restriction upon home issues. From some cause, also, he failed from time to time, to keep the government apprised, with as much particularity, as would have been desirable, of his true situation.

It will be perceived by the report from the Department of War and Marine of the 15th ultimo, that the commander of the Navy finally made known his inability to get to sea without further means, owing, as alleged, to the worthlessness of Texas funds. The government had no additional means to afford; all the available appropriation having been exhausted; and hence the only course left to the Executive was to order the Commodore with his vessels to report at Galveston for further orders. This was accordingly done.

It appears, that on the 19th of August, the Schooner San Antonio

was ordered to Sisal without the knowledge of the government, for the purpose of obtaining the balance of the sum due from the government of Yucatan, under a contract with the former administration. Since then, the vessel has not returned; and it is the universal opinion and belief that she, with her crew, has perished in a gale. This unfortunate event cannot be too deeply deplored; for, while it has diminished our naval force, it has deprived our country of the lives and services of the many gallant officers and men who composed her crew.

During the time that the Navy was thus inactive, the governments of Great Britain and the United States complained to this government of the continuance of the proclamation of blockade of Mexican ports when this government could not maintain a single vessel upon the gulf. From which fact the President felt it to be his duty to proclaim a revocation of the blockade.

It will be perceived by the estimates furnished by the proper Department, that the amount required to keep the Navy in service for one year will amount to no less than two hundred thousand six hundred and sixty seven dollars and twenty cents. The Executive, however, is inclined to believe that to include the contingencies and resulting repairs a sum not less than three hundred thousand dollars would be demanded. It is for the Honorable Congress to determine the question, whether Texas is in a situation to accomplish the object of keeping our Navy longer afloat, or whether good policy does not require us to abandon that arm of defence and make sale or such other disposition of the vessels as will relieve the nation from a burden which it is so utterly unable to sustain.

It is believed that the individual of whom the vessels were purchased would be willing to receive them back if returned, or such terms as would exonerate the country from a considerable portion of its debt contracted in their purchase and relieve us of much of the odium and reproach which have attached to us in consequence of the non performance of the contract on the part of the government. The attention of the government has been impropriely called to the situation of this individual, owing to his being a foreigner and having extensive commercial connexions.

When we advert to the history of our Navy from its first establishment to the present moment, we can not perceive a single instance wherein any important benefit has been conferred upon the country from its action. No advantage has been achieved. This remark is not made from any disposition to reflect any disparagement upon the officers composing the naval corps, but is founded upon facts which are to be deplored, because they have encumbered us with debt, without producing any beneficial return. Had the one twentieth part of what has been expended for the purchase and support of the Navy, been employed in constructing fortifications for the defence of our harbors, the debt of Texas would have been at this day millions less, and our coasts and harbors in a much more favorable attitude of defence. A clamor induced the creation of the Navy. Experience has taught us the impolicy of the measure; and now necessity propounds the question whether it is true policy longer to crush the energies of the government and deprep the nation, by attempting to maintain an establishment which experience tells us is utterly beyond our means? So long as we continue to present the semblance of Naval power, so long will the hopes and expectations of the country be tantalized and at last disappointed.

To give efficiency to our government it is proper that we should not permit any diversion of its energies. To e[illegible]

mize our means and concentrate all our resources upon objects of unquestionable importance and utility should be our first purpose. If we, as a nation, had means sufficient, or even if it were barely possible for us to maintain a Navy, the Executive might incline to the opinion that, though it might not be the wisest policy, yet if the fatal experiment had not been made, we might be excusable for a trial of the measure. But in our present destitute condition, it is so manifest that we have not means to maintain the establishment that I do not hesitate in pronouncing a further experiment as deeply injurious to the public interests. If Texas cannot preserve her vessels from wreck and ruin for the want of a few hundred dollars, when they have cost us hundreds of thousands, how can she maintain the establishment even in its present dilapidated condition, when hundreds of thousands yearly must be provided for its support?

For a naval people, ship yards, docks, mechanics, sailors, are all required. Texas has none of these facilities - not even for repairing a single vessel. She originates no seamen; and is dependent upon foreign ports and foreign countries for every thing connected with her navy. If her vessels go into foreign ports for repairs, she has no means to pay for such repairs - to ship her seamen or provision them for even the shortest cruise. The result must for a great while be as it is now, that, after having exhausted the whole amount of the appropriation of an impoverished government, instead of being in an efficient state to encounter the enemy, the commander declares himself unable to extricate himself or the vessels under his command and repair to our own ports in obedience to orders. As remarked above, this is actually the case. He avers that without additional means for the payment of the officers and men, he will be left in a situation unable to navigate his vessels from the harbor in which they are now anchored.

Facts have been communicated to the government of such a character as would seem to show that many of the officers of the Navy have been and yet are without pay, clothing or the common necessaries of life, notwithstanding the sixty one thousand nine hundred and seventy one dollars which have been placed at the disposition of the Commodore, viz: the forty one thousand nine hundred and seventy one dollars received in specie from Yucatan within the last twelve months, according to the memorandum of the Commodore himself, embraced in the report of the Acting Secretary of War and Marine, herewith transmitted, and the twenty thousand dollars appropriated by the last Congress. They seem too to be under the apprehension that the government has witheld means intended for their support, and ascribe great credit to Commodore Moore for his individual exertions in their behalf, apparently ignorant of the sums which had been placed under his control and at his disposition, and suggest that the government had received one half of the twenty five thousand dollars received for service in aiding in the reduction of Tabasco, in 1840.

The commander as well as the officers seem to consider it as a matter of right that they should have had the additional appropriation of the extra session of the sum of fifty seven thousand four hundred and twenty eight dollars and fifty cents, besides twenty five thousand dollars for outfit and provisions, though it was well known that the appropriation was con-

tingent in its character, and that the Government had not had it in its power to advance any portion - no money having been received under the appropriation to enable it to do so.

Such was the solicitude of the Executive that the Navy should proceed to sea in the enforcement of the blockade, that he, in addition to the entire appropriation furnished Commodore Moore for that purpose, incurred an individual liability amounting to ten thousand dollars, by drawing on himself, payable provided the steam ship Javalo could be fitted for service. The liability, placed in the hands of Commodore Moore, with instructions to be used for the intended purpose, has not been returned - nor does the Executive know how far he is exonerated from its application. The Commodore in his last communication, herewith submitted seems to be at a loss to know what has become of it.

The Honorable Congress will perceive, from the foregoing facts, that every exertion individual as well as official, on his part, has been made with a view to render the services of our Navy advantageous to the country. If in this he has failed, he feels fully acquitted of all reprehension.

Another subject to which he would invite the attention of the Honorable Congress, is that of our relations with Mexico. On the 15th of October last a representation and protest was addressed by this Government to the governments of Great Britain, France and the United States. In that paper herewith sent, a view of the hostile conduct of our enemy, such as this Government thought just and proper, was presented to those courts. It was believed at the time that to invoke the intervention of those powers on this subject was a right possessed by Texas under the laws of nations. No injury to Texas can result from the step; and it is confidently believed that the facts, as presented by the Secretary of State, will not be disregarded by those enlightened governments. If it should fail in the attainment of the object sought, Texas certainly cannot be prejudiced or placed in a situation less desirable than that she would have occupied had the protest not been preferred.

The views and policy of this Government in relation to Mexico, have not been based upon or influenced by the supposition that we should fold our arms and remain in our present attitude, relying alone upon this interposition in our behalf. How far we may expect the interference of those powers, in reference to our affairs, we can only infer from the friendly disposition which they have manifested towards us. It was the duty of England, under a solemn treaty to offer her mediation, which has, so far, been rejected, and the fact announced to this Government. The United States have manifested a disposition to interfere as far as consistent with their amicable relations with Mexico; and by extracts from private notes addressed by the Chargé d'Affaires of Her Britannic Majesty, to the Executive, which are herewith submitted, it will be perceived that France has also manifested a readiness and willingness to become, so far as she can, a party to the mediation. How far the United or separate efforts of those powers may influence the action of Mexico it is not possible to divine; but they certainly present the ground for a reasonable hope that they will have a beneficial influence upon our affairs with that country.

In reply to the desire expressed by one branch of the Honorable Congress, for all the information in possession of the Executive in relation to the probability of invasion, he can only say, that from the general tenor of the information (if such it can be termed) which he has received he is left to make his reflections without such data as would

enable him to arrive at satisfactory conclusions. His opinion is that Mexico at this time is in a revolutionary condition, and should the present dictator and the Congress disagree as to the form of government now or lately under discussion, the consequence will be an attempt on the part of the dictator to rivet the chains of his power upon the Mexican people by military force; and in that event a revolution will most probably ensue. Should this be the case, it is not probable that Mexico would be in a situation to invade Texas with a formidable army; nor can I yet believe that she will attempt the establishment of a permanent force within our limits. Her superiority by sea, may enable her to harrass our sea-board and thereby inflict upon us occasional embarrassments. To this end, therefore, we ought to direct some precaution. That she will attempt an incursion into our borders, with an inconsiderable regular force, united with rancheros and a few Indians as auxiliaries may reasonably be expected. If this should be the case we should be prepared for them by the first of March at farthest. The Executive hopes, with the aid of Congress, to have it in his power to meet this possible emergency. Alone and unaided by means, he can achieve nothing—with the assistance of Congress much may be done.

He anticipates confidently a treaty of peace and amity with all the Indians upon our borders; and should adequate means be placed at his disposition, he can render them efficient friends in preventing the successful inroads of the Mexicans; as they would have it in their power and be ready, with small encouragement, to deprive the enemy of their cavalry and packmules.

The adoption of this course of policy would not be at variance with the principles of civilized warfare; for, to embarrass an enemy by every means in our power, not at war with the dictates of humanity, is universally conceded to be justifiable. And whilst the Indians would be thus employed, they would not be permitted to violate any principle or law of humanity. Mexico has employed exasperated savages against us in the field of battle and has sought to stimulate them throughout our borders to outrage and blood. The happiest results are to be expected from a pacification with the Indians; and we shall have the strongest guaranties for their fidelity to our cause in the fact that they have been engaged for years in hostility against us; for they will naturally feel solicitous to confirm our friendship by evincing a zeal in our service. They may be made as valuable for their friendship as they have been injurious by their hostility.

The several papers, No. 22, 23, 24 and 25, being original despatches from the Honorable Ashbel Smith, our Chargé d'Affaires in Europe, are herewith submitted for the examination of the Honorable Congress. It is requested that, after they shall have been read, an order may be made for their return to the Department of State. It is also requested that this message, with all the accompanying documents, be transmitted, under injunctions of secrecy to the Honorable the Senate for their perusal.

Executive Department,
Washington, December 23d, 1842.

To the Honorable, the Senate,
and House of Representatives:

The President deems it his imperative duty to inform the Honorable Congress, that he has been recently assured that the different tribes of Indians have in their possession, as prisoners, no less than eleven Texians, and that they will be brought to the Waco village at the time set apart for entering into treaty, with the intention and expectation on the part of the Indians to exchange them for their own people held by us as prisoners, as well as others held by the Lipan and Tancahua tribes.

Special Message in relation to the surrender of Indian prisoners.

The Executive has ever regarded the reclamation of our prisoners from the Indians as a matter of the deepest interest not only to their relatives but to every humane and generous heart, and he has also believed that it could never be effected unless peace could be restored and established between the people of Texas and the Indians.

The Executive feels confident that the Honorable Congress will not require any incentive that he could offer to induce them to place in his power the means to perform an act so well calculated to fill every humane breast with pleasure and satisfaction. The Indians being apprised that we hold many of their people as prisoners, will be induced to retain ours until they assured that theirs are all in good faith restored.

The President has not the power or means by law, to compel those citizens who hold the Indian prisoners to surrender them to his order, so as to enable him to obtain the restoration of ours to their homes and country and to give once more to our frontiers peace and tranquility. The passage of a law, with adequate penalties, authorizing him to compel all who may refuse to place the prisoners at his disposal, to give them up subject to his order, and also to enable him to employ such person or persons as may be necessary, to collect the prisoners and conduct them to the treaty ground by the time at which the contracting parties may arrive, is respectfully recommended. – It is also proper to suggest, that when the prisoners shall have been collected they should have comfortable clothing and blankets. Without the necessary appropriation, this cannot be done, nor can the services of such persons as will be needful to carry out the objects of the Government be procured unless sufficient means are placed within the control of the President to ensure a reasonable compensation.

Executive Department,
Washington, December 24th, 1842.

To the Honorable, the Senate:

In reply to the resolution of your Honorable Body, of yesterday, the President has to state that, owing to the archives

Special reply

Ron asking information about certain land office order.

being at Austin, no reference can be had to the papers of the General Land office; and that it will not be in his power to furnish the Honorable Senate with a copy of his instructions to the commissioner of the General Land office, under which the commissioner of the General Land Office issued the order accompanying the resolution calling for the information.

It will be observed that the order was issued during the last administration of the Government; nor was the present Executive apprised that such an order had been issued to the clerks or land commissioners of the county of Bexar, until informed by the resolution in question.

Executive Department,
Washington, December 27th, 1842.

To the Honorable, the Senate,
and House of Representatives:

Special Message transmitting military estimate, &c., &c.

The Executive herewith transmits to the Honorable Congress, an estimate of the amount required to equip and maintain one company of cavalry upon the frontier for one year. It embraces the items deemed indispensable in a well regulated service, and certainly does not overstate the sum which would be required. By reference to similar service in this country heretofore, the accuracy of the estimate will be established; and it will be seen that the sum of fifty four thousand four hundred and sixty five dollars and ninety two cents would be all absorbed. It would also be fair to calculate upon the general estimate, where the service is no better regulated than ours, an additional amount of fifty per cent to cover contingencies. Unlike the service of all other countries we have no commissariat department, and custom has dispensed with all responsibility in officers of the line as well as all accountability in officers who have had the disbursement of the public funds. Disobedience on the part of subalterns, and the most flagrant violations of duty have heretofore received the approbation of Congress. From the nature of our service, it is often impossible to assemble courts martial for the trial of offenders, and hence it is that delinquents go unpunished and subordination and discipline come to be totally disregarded. No matter how great the outrage against the rules and laws established for the government of the army — no matter how mutinous and insubordinate and insulting to his immediate commanding officer, the Congress, or Executive, an officer may be, according to the doctrine heretofore proclaimed he is not to be stricken from the rolls, but, in contempt of all order and in the face of the soldiery whom he has disgraced, he is to triumph in his defiance. Unless, therefore, power to bestow adequate and certain punishment is acknowledged to exist somewhere, no good can be expected to result to the country from our military expenditures; and the idea of national protection under such circumstances becomes supremely ridiculous.

SECOND TERM; DECEMBER, 1842.

It will be perceived from the accompanying estimate that the amount of twenty thousand dollars in Treasury bills appropriated by last Congress was totally inadequate to the creation of a force for the protection of the south western frontier. The Executive deemed it useless to attempt an impossibility; and he saw no inclination to augment the amount placed at his disposition. Hence it is that a portion of that appropriation has remained subject to the action of the Honorable Congress transferring it to other purposes. Such portions as have been used were devoted to giving every possible facility to the attainment of the object intended. No regularly constituted companies were maintained, because that would have been impracticable; but in various other ways, aid, encouragement and support were extended, resulting either directly or indirectly in promoting the safety of the frontiers. Such portions as may not be required to meet obligations thus incurred will be held subject to the future action of the Honorable Congress.

Executive Department,
Washington, December 28th, 1844.

To the Honorable, the Senate,
and House of Representatives:

The Executive avails himself of the earliest opportunity to present to the consideration of the Honorable Congress, a subject upon which its action is respectfully invited.

It appears that certain grantees presented a memorial, dated 25th April, 1839, whose names will be seen in the accompanying despatch of the Honorable Charles Elliot, Her Britannic Majesty's Chargé d'Affaires to Texas, in which they claim various grants of land under the colonization laws of the General Congress of Mexico, of the year 1829, and for which they seem inclined to claim remuneration, from the fact that the revolution of 1835 prevented a compliance on their part with the conditions of their grants.

It is to be regretted that copies of these grants have not been presented to this Government. The dates as well as the conditions of the grants are consequently unknown. And though the memorialists allege that they did take measures to fulfil their contracts with the Mexican Government, they do not show that they had performed any one of the conditions; nor do they set forth that their contracts were not forfeited before the year 1835.

If such grants ever did in reality exist, it certainly will be competent for them to show when they were made — the conditions annexed, and that the grants were not forfeited by an omission to perform their conditions. It was the duty of the memorialists at an early day to have acquainted the Government of Texas with the existence of these grants, and to have made them, or copies of them, a part of the archives of the country. If this has been done, by reference to the General Land Office the fact can be ascertained.

The only wish that the Executive can entertain on this matter is, that if merit should be found in the premises equity may be done to the claimants, should the existing laws have inter-

any obstacle to an equitable adjustment of their rights. A law was passed by Congress opening the courts of justice to all empresarios, and whilst others have availed themselves of the benefit of the law, it is to be regretted that the present memorialists had not thought proper to make use of similar advantages.

It will be perceived also, by the despatch of the Honorable Mr. Elliot, that the former settlers of San Patricio have solicited in their behalf the interposition of Her Majesty's government. With deference I would suggest that if the former citizens of that section of the Republic were compelled to leave their homes in consequence of the war of 1835, since that time this government has interposed no obstacle to the resumption of their former possessions. Their situation was truly harrassing and calamitous; and though the major part of them fled to Mexico for protection, it was natural that they should have done so inasmuch as the Mexican troops were at that time in possession of that portion of our territory. No act of forfeiture has since been passed to the prejudice of those claimants, nor would the government, upon their application, have prevented them from resuming their lands. Though they were debarred of the right by the provisions of the constitution of 1836, it will be perceived that the greatest leniency has been exercised; and that those who incurred the penalty of forfeiture have never suffered from its enforcement.

If they were really subjects of Her Majesty's government, they could not hold land of their own right within the Republic of Texas, and if they were bona fide Mexican citizens, it would not be within the province of any government, other than Mexico, to interfere in their behalf. They were either Mexican citizens or British subjects, and as they make no claim to their homes as the latter, they tacitly decide the question, and therefore cannot hold land in right of being Mexican citizens.

The Executive would respectfully suggest that if they wish to return to their homes and are willing to render allegiance to the Republic of Texas, he would not feel authorized in the absence of prohibitory provisions to prevent the peaceful occupation of their former residences. Hence it would seem that any provision in their behalf would be unnecessary, and that the course for them to pursue would be to communicate their disposition and wishes to the government which would extend to them leave to return to the country.

It is respectfully requested that the Honorable Senate will cause this communication, with the accompanying papers, to be forwarded in proper season, to the other branch of the Congress, for its information and action.

Executive Department,
Washington, December 29th, 1842.

To the Honorable, the Senate,
and House of Representatives:

The Executive permits no time within his control to elapse before presenting to the consideration of the Honorable Congress the accompanying communication from the Honorable Joseph Rue, Chargé d'Affaires of the United States to this Government, in relation to the claims of Gen. Waddy Thompson, United States Minister at Mexico, for moneys advanced for the members of the late Santa Fé expedition.

Special Mess. in relation to claims of Gen. Waddy Thompson

In submitting this subject, the President cannot forbear an expression in behalf of the disinterested, noble and generous feelings of Gen. Thompson. He has manifested every sentiment that should characterise the acts of a man who has heretofore sustained his high reputation as a statesman and a gentleman. Had those unfortunate men whom he thus assisted been citizens of his own country, he could not have evinced a more lively degree of sympathy and liberality in their behalf. He certainly deserves the most grateful recollections and the admiration of this country; and it is to be deplored that our financial embarrassments are such as to impede the alacrity with which the Executive feels assured every department of the government would be emulous to meet his demands.

That the amount advanced may have been more than was requisite for the comfort and convenience of the men, would not raise a question as to whether it was right or wrong for him to have advanced the money. The nation, if able, it would seem, would be bound to replace it. Had a fund sufficient been within the control of the Executive, appropriated for general contingencies, he would have felt himself authorised to have met the demand; but his inability, with the means at his disposition, to meet the debt incurred for their transportation to our shores, demonstrates too clearly our embarrassments.

It is to be regretted that the officer in command of the expedition, though he appears to have had the main agency in procuring the advance, has not accounted to this Government for the disbursement of one cent; nor has he even thought it worth while to offer any explanations or make any report in reference to the unfortunate expedition; either as to the amount or description of property entrusted to his care at the outset – the progress of the expedition – the loss of the unfortunate men who perished – the causes leading to its failure, or the final catastrophe. It appears, however, that upon his individual credit he obtained from Gen. Thompson, by drafts upon individuals in the United States, the sum of three thousand dollars, for which, without showing, Mr. McLeod is liable.

So far as anything can be done in favor of the gentleman who has thus generously stepped forward to the relief of the sufferers, it cannot be doubted that the Honorable Congress will use every exertion in its power to place his claims upon such a footing as that he may not be prejudiced

In consequence of the large amount of actual labor to be performed by a single assistant in the Executive office, the Honorable, the Senate is respectfully requested to order the transmission of this communication, with accompany-

ing documents, to the House of Representatives, for its concurrent action.

/Secret./

Executive Department,
Washington, December 30th, 1842.

To the Honorable, the Senate:

Nominations, with observations upon the compensation of Consuls, &c. &c.

I herewith respectfully submit for the consideration and constitutional advice and consent of your Honorable Body, the following nominations, viz:

Francis B. Ogden, Consul of the Republic for Liverpool, Great Britain:
Alfred Fox, Consul of the Republic for Falmouth, Great Britain.
John Graham Stewart, Consul of the Republic for Glasgow, Great Britain:
John Roxburgh, Consul of the Republic for Greenock, Great Britain:
John Atkinson, Consul of the Republic for Kingston-upon-Hull, Great Britain:
Thomas Hare Fox, Consul of the Republic for Plymouth, Great Britain:
Basil G. Gjams, Notary Public for Colorado County:

I avail myself, also, of the present occasion, to invite the attention of the Honorable, the Senate, to the urgent propriety of providing by law, for the compensation of the consular agents of the government. As the law now stands; no provision whatever is made whereby our consuls can be reimbursed for indispensable outlays for the service of the country whose interest they superintend and protect. Seals, flags, postages, upon documents of a national character sent to the Department of State, and upon regular official correspondence, books of record and office furniture, have hitherto been supplied from private liberality alone. This should no longer continue to be the case. The government which requires the time, labor and attention of its public functionaries of this grade, should exercise towards them some show of reciprocity. And this cannot be done upon any other plan so equitable and available to all the parties interested as by the allowance of reasonable perquisites upon the performance of official acts, regulated upon a scale corresponding to the probable amount of business to be done.

I would, therefore, respectfully recommend that a law be passed authorising all our consular agents to charge and collect fees, in accordance with specific instructions from the Executive, through the Department of State, upon invoices of merchandize, passports and the other usual acts performed by the like agents of other countries.

The consular attestation to invoices of merchandise would operate as a protection of the revenue against fraud, and at the same time be a material convenience to the importer, by dispensing with the harrassing, and in some cases injurious examinations which must otherwise be made into the contents of bales, boxes, and packages of goods at the Custom House.

A reasonable charge, also, for passports to persons coming into the Republic, would not only furnish a means of com-

pensation to the consul, but would, it is believed, result in salutary advantages to the country, by subjecting to scrutiny and inspection the persons, names, character and pursuits of any and every individual introducing himself within our limits. Thus would our population be in a great degree protected from the inroad of a class of persons of ill fame and criminal notoriety, who but too frequently seek a home among us, and, instead of making good citizens, blight the peace and morals of the community which may receive them.

The rates of fees, it is thought, may be more equitably graduated by the Executive than by any positive enactment; for the reason that the perquisites at some consular stations would be, in amount, much larger than at others, and will vary under different circumstances. For instance, the rates prescribed for the station at New Orleans should, at this time, be much less than elsewhere; for there a much larger amount of business would be done, and the aggregate of compensation to the consul would, at very moderate rates, be ample.

I would, also, respectfully ask the notice of the Honorable the Senate, to the following extract of a private note addressed to the President by our Chargé d'Affaires in Europe, and dated London, October 26th, 1842. He says:

"I shall leave the supervision of our affairs here in charge of Mr. Rate, our consular agent. Let me, on this occasion, invite your attention to consider Mr. Rate's appointment. His house is one of the most respectable in London — one of his partners is a director of the Bank of England, and Mr. Rate enjoys the best reputation for capacity in mercantile affairs and for integrity. He has been judiciously active since he undertook the consular agency."

Sam Houston, President of the Republic of Texas,
To His Excellency, the Governor of the State of Louisiana, (or of either of the other states of the United States of America,) to whom this shall come; Greeting.

Demand upon the Governor of Louisiana for refugee from justice.

Whereas the Government of the Republic of Texas hath received satisfactory information, that a certain individual, calling himself by the name of Poufief, Pouief, alias , stands charged before the proper authorities with having committed murder within the limits of this Republic, and that the said individual hath fled to and is at present going at large, a refugee from justice, in the State of Louisiana, or in some one of the other States of the United States of America;

Therefore, a request and respectful demand are hereby made upon his Excellency, the Governor of the State of Louisiana aforesaid, or of any other of the States of the United States of America for the person of the said Poufief, Pouief, alias , to be delivered over to the bearer hereof, to be dealt with as the laws he is charged to have violated may prescribe.

In testimony whereof, I hereunto set my hand

and affix the Great seal of the Republic. Done at Washington, the 2d. day of January, in the year 1843, and of the Independence of Texas the seventh.

(L.S.)

(Secret.)

Executive Department,
Washington, January 3d., 1843.

To the Honorable, the Senate,
and House of Representatives:

Special Message in relation to the Navy.

The Executive, in conformity with what he conceives to be his duty, at the very first moment of leisure, with health sufficient for the purpose, transmits such information, touching the present condition of the Navy as may be of some importance to the Honorable Congress.

It is needless to reiterate that the last cent of the appropriation placed at the disposition of the Executive for the support of the Navy, for the year 1842, has been issued to the proper officer; and that there is every reason to believe it has been expended; with what benefit to the country, the President does not pretend to say, and contents himself with merely submitting the fact.

For the purpose of showing as far as practicable the actual condition of the Navy, Copies of letters are herewith laid before the Congress, marked 1 and 2, addressed to the Secretary of War and Marine, by Commodore E. W. Moore, under date of 19th. December, ultimo, and by Lieutenant D. H. Crisp, of the 21st. of the same month.

It will be percieved that Commodore Moore is without funds. He has not accounted for the disbursement of the appropriation of twenty thousand dollars, made for the service of the past year. The officers under him are in a destitute condition, for clothing, and "they, every one of them, need money." He appears to rely upon an appropriation made at the called session in July last, to enable him to extricate himself from his present difficulties, although he must be fully aware that that appropriation has not been and is not now available. The situation of Lieut. Crisp is even yet more destitute and deplorable. He and his officers are subsisting on the charity of their friends at Galveston. The President has no means to bestow upon them for their relief, because the appropriation has long since, as above suggested, passed out of his control into the hands of the appropriate officer.

In the extract given by Lieut. Crisp from a letter of Commodore Moore, it would appear that the Commodore was disposed to reflect upon the Department of War and Marine, for not having the ground tackle of the vessels repaired and improved, suggesting that its deficiency was notorious. It might have been notorious in the Navy, and no doubt was; but it does not appear that he made any requisition upon the Department for the repairs or improvements necessary.

It was his duty to have done so, and while the appropriations were within the control of the Department, or, after having drawn the appropriation himself, his first and bounden duty was to have procured such repairs and made up such deficiencies as were necessary. This, he appears, in the midst of his surprise, to have overlooked, and though he alleges that he had attempted to impress, on repeated occasions, the fact upon the Department, he must have regarded it as unnecessary when the entire appropriation came into his hands. This was the case previous to the destruction of the San Bernard, which appears to be attributable to the want of suitable ground tackle, in which all the vessels of the Navy were, it is alleged, very deficient.

As early as the month of October, the Executive became perfectly satisfied that nothing would be achieved by the Navy and, as has been heretofore stated to the Honorable Congress, the President directed that it be ordered into Galveston; provided it could not be forthwith got to sea, in a condition for efficient service. That order has been since repeated; but owing to his inability, or disinclination, to obey orders, the Commodore has not complied. On the 2d instant, it was again repeated through the proper Department, as will be seen by Mr. Hamilton's letter, No. 3, accompanying.

The President need not express the painful solicitude he feels on this subject. Having heretofore laid it before the Honorable Congress, with as much urgency as he thought consistent with the delicacy of the relations which he bears to it, nothing but his anxiety could induce him again to call its attention to the subject. The accompanying papers inculcate the great necessity of adopting some immediate course which may be calculated to produce some good to the nation by saving what remains of the Navy and preventing further expense and involvement.

From the best estimate that can be made out, the actual daily expense at this time, will exceed one hundred dollars. This is without any corresponding benefit — and the estimate is made in hard dollars. The wear, tear and decay of the vessels, and injury resulting from their present condition may also be fairly estimated at a clear loss of one hundred dollars per day — making the daily injury to the country, amount to about two hundred dollars per day — to fourteen hundred dollars per week — to six thousand dollars per month, and seventy two thousand dollars per annum. This calculation is made upon such data as to leave no doubt of its correctness.

While the government remains without one dollar at its disposition, and expenses continually and inevitably accruing, the Executive is constrained to ask what can be done? If no expense would accrue until a decision of the question was made by the Honorable Congress, and no injury result to the public property, it might be postponed. But as evils of great magnitude are daily resulting, expenses increasing, no means providing, and no hopes of getting the Navy to sea, the Executive feels warranted in soliciting most respectfully and urgently the attention of the Honorable Congress to the subject. Early and prompt attention on the part of the Congress and Executive may effect a great saving to the nation, and rid the country of heavy expense and increase our means by a judicious disposition of the navy. Texas is totally

to maintain it in service: an effort to do so, will only be attended with disappointment and misfortune.

Although I have not the data before me, my impression is that we are now in arrears with individuals, for pay due to officers and seamen, provisions procured at various times, contingencies, and repairs done, in a sum little short of an hundred thousand dollars. We have no means to meet these demands, and they constitute a source of endless annoyance to the officers of government. If individuals make demand upon the government for the payment of their claims, and it is unable to meet them, it is a most fruitful source of denunciation and abuse of those who are entrusted with the administration of the laws — creates discontent — is attended with disappointment — gives rise to disaffection, and hence active employment to demagogues. These evils are certainly to be deprecated, and the Honorable Congress can do much towards abrogating them.

It is respectfully requested that the Honorable, the Senate, will cause this communication with accompanying documents, to be transmitted to the House of Representatives.

Executive Department,
Washington, January 4th, 1843.

To the Honorable, the House of Representatives:

Special Message requesting information as to what steps have been taken for the removal of the public archives, during the sitting of the present Congress, in relation to the removal of the archives.

To the resolution of your Honorable Body of yesterday, requesting information as to what steps have been taken for the removal of the public archives, during the sitting of the present Congress, the Executive has the pleasure to reply without delay.

On the 10th of last month he addressed Major Thomas J. Smith and Captain Eli Chandler, a commission, authorising and empowering them to remove the archives from Austin to Washington, where the Congress was then in session; a copy of which will be found accompanying this communication, marked No. 1. On the same date, he sent them a letter of confidential instructions as to the service assigned to them; which is also herewith sent, marked No. 2. No. 3 is the copy of a letter to Col. Thomas Wm. Ward, Commissioner of the General Land office, who held the archives of that important department, together with the other archives of the government in charge. The purport of the instructions, and the communications generally will be found to contemplate the most effective manner of securing the public property at Austin. Every precaution that could be suggested was given to render the undertaking successful. The reasons and circumstances inducing such a step have been so often submitted, that it is unnecessary for the Executive now to enter into a minute detail of them.

The original order for their removal was given at a time when the country was actually invaded and when every man in Texas, having a knowledge of the facts, acquiesced in the

prudence and necessity of such a measure. And though the emergency seemed to be temporarily suspended, it has since recurred; and those who before desired the revocation of that order admitted its necessity a second time. We are liable to a similar recurrence continually.

At the time that these causes arose, the mediation of England with Mexico for peace and the recognition of our independence was pending. Since then that mediation has been rejected, and through various sources we have heard threats of invasion by Santa Anna. The attempt we have a right to look for; and if it should not occur, it will be owing to convulsions in Mexico and circumstances which we probably cannot foresee. We may anticipate a failure on the part of Mexico to invade us; because our hopes and wishes are in unison with such anticipations; but if we act wisely we will make such preparations for security and defence, in the event of invasion, as our means will justify. Precaution is the resource and safeguard of the wise, and none but the supine and indifferent will regard with listlessness a danger that is possible, even though it were not probable.

Experience has taught us that so long as the archives remain where they are, in the event of invasion a portion of the efficient force of the country will be diverted from the general mass of settlements to that point for their defence. In such a case, that they will be finally overpowered and driven back, is not to be doubted. If the archives were removed, it would ensure the cooperation of this force with the main body of our militia to meet the invading army of the enemy, that would most certainly press upon the lower parts of the Colorado — if they should not be met and successfully combatted at the Guadalupe.

Had the emergency which dictated the removal of the archives arisen whilst the Congress was in session, it would clearly have been within their province to have provided for their security; but as Congress was not in session it devolved on the Executive to give the order and to adopt such measures as he thought proper in reference to it, and as all conceived the emergency required. He regards every measure which he has since adopted as a continuance of that first order. The Congress has been once in session since that original order was given. They forbore to act upon the subject and subsequently another emergency arose. The Executive's conviction of the propriety of the removal has undergone no change; and the Congress declining to act upon the subject enforced upon him the necessity of pursuing the course he took, and which he believes in perfect accordance with the past and future interests and policy of the country.

That the archives of the Republic, in justice to the people of the country, should be preserved no one will pretend to deny. That they never have been safe at Austin, since 1840 at least, all must deduce from facts which have and which now exist. For the preservation of the persons and lives of the inhabitants of that place, a fortification was in that year, at great expense, constructed around the capitol; and though it gave no security to the archives and left them exposed, it nevertheless proved the fact most conclusively, that it was not a place of safety. For if the inhabitants should have been destroyed, what protection was there for the archives? This, too, was done at a time when two regular regiments were in the field, and when there were three or four officers of government to one at the present time, who would

have swelled the muster rolls for defence. —— Before the rise of the last session of Congress which sat at Austin, the Executive asked for the means of protection for the archives. His application was disregarded; and by law he had no authority to call out a force for that purpose, nor means appropriated for its subsistence, unless in case of actual invasion. In that event it would be too late, and disaster would evince the want of precaution.

Recently, the Executive has derived assurance from a chairman of a late "Archive Committee," that there was no safety there for the archives; and he has further been verbally assured that it would be unnecessary for him to send many wagons for the purpose of their transportation as one wagon could bring away all their ashes.

A communication of some import, from which I submit an extract for the information of your Honorable Body, marked No. 4, will convey to the congress a dispassionate opinion formed by an individual upon the ground, and one whose impartiality none may distrust. Disconnected with the government, his opinions are made up as a patriot and one whose only wish I should deem to be the prosperity of the country. He urges the precautions which have been taken, and I only regret that the attempt at their removal has not been entirely successful, but has been thwarted by men who could have rendered loyal and perhaps good service to the country, if their chivalry had directed them to companionship with those who have crossed the Rio Grande.

When the late command was sent to Austin for the removal of the archives, the Executive contemplated a sufficient force to have effected that object. The circumstances attending the failure are reported to be, that the command, twenty in number, arrived at Austin on the 30th of December, and on the same day placed into three wagons the boxes containing the most important land papers furnished them by the Commissioner of the General Landoffice. The mob of resistance increased in number from the time that the object of the visit was known, and before the wagons had left the avenues the arsenal was broken open and the artillery, charged with grape and canister, was brought up and fired upon the wagons and teams. No damage however was done to them, and only two shot are reported to have entered the General Land office. The company who were authorised to take the archives in charge continued their march until they arrived at Kinney's, eleven miles from Austin, on their way to Caldwell on the Brazos. They encamped at Kinney's for the remainder of the night, and in the morning found that the malcontents had placed the artillery in advance of them, and represented their numbers at ninety men. Those in charge of the archives, not having sufficient force, left them and returned to their homes - reporting that Captain Joseph Daniels, attached to the General Landoffice had been shot at several times, but had escaped leaving his family in Austin. What injury he sustained is unknown. The malcontents also declared to those employed in bringing away the archives, that on their return to Austin they would put the Commissioner of the General Land office, Col. Thomas Wm. Ward, to death; and further declared that if the President had been taken and given up to them, they would freely have surrendered the archives. They are represented to have been in a state of intoxication, and unreserved in their threats against the person and life of the Chief Magistrate of the country.

These are the facts, transmitted in accordance with the call of the House. To offer comments upon them would seem to be an insult to the common sense and good understanding of every member. A sense of duty to our general constituency, to our national character, and the respect we may hope for from abroad and for order and self existence at home, constrain me to believe that the Honorable Congress will adopt such efficient measures, or empower the Executive to do so, as will secure the safety of the archives. Their removal is connected with no individual gratification which the President can feel. He regards the matter as one purely of national import. Their loss would involve the nation in inextricable confusion, injury and expense; and a longer postponement of the action of the Congress can be attended with no other than the most pernicious effects. Those whose interests are identified with transactions under our land laws, cannot but feel deep solicitude that the records which constitute the basis and evidence of their rights should be placed beyond the reach of danger and destruction. At least nine tenths of the citizens of the country are thus more or less concerned. Shall their rights be surrendered to the keeping and control of a mob who have so long openly trodden down the constitution and contemned the authorities of the land.

If the archives are not preserved, the blame cannot attach to the Executive. Congress has had, and at this time has the power to sustain him in the discharge of his trust and the execution of his duty, and if they are destroyed by any means whatever, the evil will then be felt by all; and the questions will then be asked: "Why has it come upon us? Could it have been averted? and, By What means?" Interest and injury will give a ready answer to every inquiry. If the Mexicans again visit us in forty five days from this time, and the archives survive destruction in the interval, consternation, dismay and disaster may swallow up for the time every other consideration; but a sense of individual misfortune will only be smothered by the general calamity until the country is again redeemed and composed.

The constitution has devolved upon the Executive as a public functionary, important duties; and so long as he is responsible for their execution, no threats of personal injury shall ever deter him from the discharge of his exalted trust. Like every other man, personal security may be a desideratum with him, and he might be fond to see society assume that state which would elevate its members above the influence of personal abuse; for this must be desirable to every good citizen. But if a love of personal security had been the predominent feeling of his life, his present connexion with Texas might have been different; and the situation of the country might also have been different in its relations to the civilised world. He has always shown a disregard of personal comfort, of personal privation and of personal danger, when he believed the rights and interests of his country and fellow men were dependent upon his course. If his actions have been creditable to himself, the highest gratification which he enjoys is the knowledge that they have been beneficial to his fellow citizens. As a reward for these he desires to see his country established upon a firm basis – its laws respected – sedition put down – society cemented by a sense of moral obligation, and every citizen, whether in public or private station, acquit himself to society as a man. And if the superadded obligation of an oath attaches to his duty, let him redeem his pledge and stand acquitted of blame to his country and his God. Were he incapable of these feelings – these motives, and

a sense of these obligations, he would pity, if not despise, himself.

The subjoined is the extract referred to in the foregoing message, marked No. 4. Numbers 1, 2 and 3 will be found on pages 169 and 171.

No. 4. Extract from a letter of a gentleman, who has no connexion with the government, dated Austin, December 9th, 1842.

"Should Congress pass a law authorising the President to remove the archives, he, or you, had better, at once, on the passage of the law, despatch up a body of men in whom reliance can be placed, to protect the removal, for fear that by any accident they might be destroyed — there being a few men whom the course pursued by Houston, having ruined, has rendered desperate, and such a thing might occur as a bonfire, which would ruin the whole Republic. Should such occur, it will be in defiance of all the respectable portion of the community; but you well know that one or two desperate men can achieve much harm, and it is as well always to guard against surprise. If any men do come up for the purpose their destination should be kept secret, and they should come up on the outside of the line of settlements.

"I have shown this to _____, and he informs me that he has ascertained that a majority of the citizens are determined to sustain the authorities in the removal, provided they act under an act of Congress."

/Secret./

Executive Department
Washington, January 6th, 1843.

To the Honorable, the Senate:

Nomination.

I herewith respectfully submit for the constitutional action of your Honorable Body, the name of Daniel J. Toler, for Notary Public for the County of Washington.

Washington, Texas, January 7th, 1843.

To William C. Brashear, Esq.

Dear Sir — It has been communicated to me that you contemplate leaving our country with a view to seek employment in foreign service. I regret that our navy does not furnish you a theatre of action worthy your generous emulation.

Letter to W. C. Brashear

I take pleasure in assuring you, that during your continuance in the service of the Republic, your conduct was always such as has ensured to you my approval and admiration.

When you quit our service, it was to me a subject of regret; but in the adventure which lies before you, you will bear with you my confidence, my regard and my constant solicitude for your success.

If you should have the good fortune to find employment in the service of his Imperial Majesty, the Emperor of All the Russias, I entertain no doubt but that your loyalty, your chivalry and your integrity of character will secure to you his imperial consideration.

And that such may be the result, permit me to assure you, will be in unison with my friendly wishes.

I am, with sincere consideration,

Your friend,

Executive Department,
Washington, January 7th, 1843.

To the Honorable, the House of Representatives.

Special Message

Herewith, in pursuance of a resolution of your Honorable Body of the 5th instant, I have the pleasure to transmit a statement of goods and government stores handed over in February, 1842, by the late Acting Quarter Master General, to the War Department, the amount sold, the amount remaining on hand in April last, &c., together with the report of Colonel Jacob Snively in reference thereto, and the cause and manner of their disposition. Also, a statement from the Treasury Department, exhibiting the items for which drafts have been made upon the appropriation of last year for the protection of the frontier.

in relation to public stores on hand in 1842, and the manner of their disposition

It will be perceived, from the report of Col. Snively that the articles received from Acting Quarter Master General Cazneau were in a perishable and greatly damaged condition arising, as reported, from neglect and want of care on the part of those in whose charge they had been previously placed. They consisted principally of fragments, remnants and the refuse of supplies which remained after the outfit of the Santa Fe' expedition and the supplying of such parties as, at various times, were fitted out for Indian excursions from the city of Austin. The refuse which remained was injured from the depredations of bugs, worms and rats, so as to render them

valueless for the public service. The Secretary of War thought it, therefore, advisable to order a survey and sale thereof under the 32d. and 47th. articles of the Army regulations. The first provides for the survey and sale of damaged stores, and the latter for placing the amount received from such sales to the appropriation to which it might properly belong.

Under this authority, drafts were drawn by direction of the Secretary of War for the purchase of supplies, deemed indispensable by him for the support of the troops assembled at Austin in March last to protect that place against expected Mexican attack, which could only be procured for cash, such as beef, meal, flour, &c., transporting artillery and supplies to San Antonio, expresses, repairing artillery carriages, &c., &c.

The amount of about four hundred dollars in Exchequer bills, received from the sale, was paid to William L. Cazneau, as Acting Quarter Master General, the only item for which there was no authority of law, and which was not made known to the Executive until the present call brought it to light.

During the absence of the archives, and the continued commotion in the country, it has been utterly impossible for the Executive with the means at his command to obtain the information necessary to the prompt correction of errors and abuses. As has heretofore been communicated to the Congress, the business of the Quarter Master General's and several other offices, is now four years in arrears, and must remain so until the facilities afforded by Congress will be such as to enable the Executive to have it brought up and the accounts of delinquent and defaulting officers settled. The amount of defalcations cannot be less than three hundred thousand dollars — and probably a half million may not cover them.

The statement from the Treasury Department in answer to a part of the resolution above referred to, will be found to contain items which were connected with the condition of the country — many of them for carrying expresses owing to the want of mail facilities — and others for the purpose of placing the militia in a state of readiness to act in the most efficient manner, if the country was invaded, as many believed it would be at various times since the appropriation was made.

The amount paid for the subsistence of the Indians and presents to them, accrued principally on account of the Lipans, and the Executive will here remark that the Lipans were perfectly satisfied, and considered the allowance made them as an equivalent for the various campaigns in which their warriors had coöperated at different times with our troops, under the command of Gen. Burleson, and others.

It will be remarked by your Honorable Body, that the greatest economy has been exercised in the disbursement of the fund. That it was not all immediately appropriated to the protection of the South Western frontier was owing to the fact that it was not sufficient, had it all been in par funds, to have supported one full company of infantry; and it is a fact notorious to every man of observation, that unless men on our frontier are well mounted they are worse than useless. To have equipped and supported a company of cavalry would have required a sum of more than fifty

thousand dollars. The Executive, under these circumstances, believes it much more advisable and beneficial to the country that the money should remain in the Treasury than be expended in the attempt to effect a purpose which must prove in the end an utter failure, and disappoint the expectations which it would have inspired.

The Honorable House will also recal the fact to their recollection that the money has been depreciated to a scale never above fifty cents, and for a great portion of the year was worth but thirty cents on the dollar and even less. Hoping that our currency would improve, and not wishing to injure our finances, the Executive has been constrained from a sense of duty to act upon principles of economy, for which he shall feel perfectly justified if he can once more see confidence and a sound currency restored to the country.

Washington, 8. January, 1843.

Hon. G. W. Hill:

Sir — With pleasure I received your note of this date, accepting the appointment of Secretary of War and Marine. Note to Dr. G. W. Hill.

I doubt not but that you will sustain yourself in the station, with honor to yourself and advantage to the country.

There will be no difficulty as to the time at which your nomination will be presented to the Honorable, the Senate, for confirmation. It will not be until the last of the session.

With salutations of regard,

I have the honor to be your obt. servt.,

Executive Department,
Washington, January 10., 1843.

To the Honorable, the House of Representatives.

The duties which have devolved upon the Chief Magistrate of Texas in relation to the archives of the nation, as well as all other matters touching the administration of the government, have been discharged with fidelity. If the representatives of the people have failed to sustain him, he feels acquitted of his trust. Whatever of evil may befal the nation from the loss or destruction of its archives, must fall upon the people — but not by the agency of their President. The rights of a large community in such an event, would be sacrificed to the clamor or supposed interests of a few, without the hope of any possible advantage to those who have resisted the constitutional authority of the nation, but

Special message in relation to the archives.

manifest and incurable injury to the public welfare. — The Executive having thus far discharged his duty, will use no further exertions on the subject, but leave the matter to the people and their representatives. He has striven against what he has foreseen as a great and impending evil – he has not been sustained by a coördinate department – he is discharged from all further agency, and his hands clean of all the consequences and calamities which may result to Texas as a nation. He believes that they will be heavy and manifold!

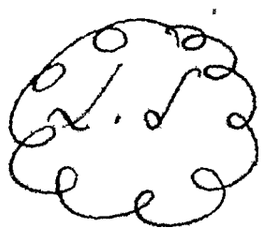
Having so often expressed his candid belief and his hopes, in reference to a matter of so much moment, and enforced by every means in his power, and with an earnestness and honesty which he deemed his relations to the country required, reasons for providing for the safety of the archives, he now feels constrained to declare and protest to your Honorable Body, that he can no longer entertain a hope of their safety, nor will he feel it any longer his duty to use any exertions for their preservation.

He hopes that we may not yet have to exclaim in the pathetic language of the Sacred Volume, "the harvest is past – the summer is ended," and add, Texas is not saved!

Appointment of John H. Moore to collect and convey Indian prisoners to council, &c.

I, Sam Houston, President of the Republic of Texas, reposing special trust in the honor, fidelity, skill and capacity of John H. Moore, Esquire, to do, by these presents and in conformity to an act, entitled "an act to provide for collecting and conveying Indian prisoners to the Waco village", approved 28th December, 1842, appoint and commission him, the said John H. Moore, Esquire, to demand, collect and receive in the name of the said law, each and every Indian, male and female, now being and remaining in the possession or under the control of any person or persons whatsoever, or otherwise, of any and every tribe of Indians, and convey him, her or them to the Council ground at the Waco Village, on or before the 15th day of February, next, and there place them in the hands of the commissioners duly appointed to deliver them up in exchange for our own prisoners held by them, and as a pledge of the sincerity of our intentions and good faith towards them:

Giving and granting to him, the said John H. Moore, Esquire, full power and authority in the premises, with all the honors, perquisites and pay appertaining under the law to a due performance of his duties.



Given under my hand and the Great Seal of the Republic, at Washington, on the 10th day of January, 1843, and of the independence of the Republic the seventh year.

A like commission and appointment as the foregoing, was on the 2d day of February, 1843, extended to Pleasant C. Watson, Esq., in consequence of the nonacceptance of the same by Col. Moore.

Appointment of P. C. Watson to collect and convey prisoners

Executive Department,
Washington, January 10th, 1843.

To Col. John H. Moore:

Sir — Knowing your public spirit and disposition to render every assistance in the establishment of peace with the Indians on the frontiers, and knowing also your acquaintance with the locality and condition of every Indian in your section of the country captured from the enemy, and relying with confidence upon your energy and decision of character in procuring their restoration, I, with pleasure forward you a commission to act under a recent law of Congress, (an authenticated copy of which I also send you), in collecting and conveying the Indians to the Waco village between the 9th and 15th of February next; at which time and place it is expected a general treaty of peace and friendship will be formed with the various tribes inhabiting the frontier. I am informed that twenty one tribes have already assembled for the purpose, and it is confidently anticipated that the Camanches will also be present.

Letter to Col. Moore in relation to Indian prisoners.

I hope therefore that you will delay no time, in performing the duties assigned you under the appointment, so as that no difficulty may arise as to the absence of the prisoners. The law provides the necessary remedy in case of refusal to surrender them. You will please enforce its provisions wherever necessary — otherwise the public interests may greatly suffer.

I have conferred with Gen. Burleson and he is anxious that you should accept the appointment, as the most suitable person that could be employed. If you cannot attend to the duties from any cause, I hope you will appoint some one who will attend to the matter with fidelity. You will have authority to procure for the prisoners, should it be necessary, such clothes and blankets as will make them comfortable.

The pay, per diem, will be at the rate of four dollars; and you will be authorised to employ such assistance as may be necessary, and hire horses to mount them, if you should deem it proper.

I have the honor to be, with great respect,
Your obt. servt.,

Executive Department,
Washington, January 10th, 1843.

To Col. L. B. Franks, &c.

Sir — You will proceed in proper season to procure from the Lipan and Tonkeway tribes of Indians, all the prisoners which may be in their possession, for the purpose of delivering them to their own tribes at the council ground at the Waco village, between the 9th and 15th day of February next. Do not fail to do so; as an omission might be cause of difficulty and greatly embarrass the negotiation and conclusion of the contemplated treaty, so important and so much desired by the people generally.

Instructions to Indian agent.

I have the honor to be your obt. servt.,

/Secret./

Executive Department,
Washington, January 10th, 1843.

To the Honorable, the Senate,
and House of Representatives:

As the present session of the Honorable Congress is drawing near its close, and as a recent call has been made upon the Executive for any information he may have in his possession, as to the probability of Mexican invasion, &c., he avails himself of the present occasion to communicate the substance of certain intelligence on that subject, which he has very lately received, with such suggestions as he deems it his duty to make.

Special Message in relation to invasion; public defence, &c., &c.

This intelligence is from the city of Mexico, and dated the 8th of November. It indicates to the Executive, in the most authentic and impressive terms, that Mexico, in the event of being successful against Yucatan, will immediately invade Texas with a formidable force both by land and sea. And the gentleman who communicates the intelligence does it with a view that Texas may so provide as to ensure the repulse of the troops of the enemy sent against her. He is not now in Mexico, but has transmitted the information with the greatest despatch that it may be laid before Congress previous to its adjournment. It is additional to any that was in the possession of the Executive at the time his last communication on this subject was made.

It seems to be a fact established by reason, that if Mexico that if Mexico meditates the invasion of Texas, it will be attempted during the ensuing spring. She cannot expect that the civilised powers will tolerate in her a protracted war with Texas, unless she make some demonstration to them that would create a reasonable belief that she is capable of subjugating and reannexing it to the Mexican territory. Hence it may be supposed that all her available energies will be called into action and employed with the greatest efficiency.

The question then arises, is Texas in a situation to repel a formidable invasion? If she is, we have nothing to fear from it. If not, she ought to be so. Every means of defence in our

power ought to be called into action, and be in readiness for any event that we should anticipate.

We should calculate the probable effect and influence which the employment of our troops on the Rio Grande might produce upon Mexico, as well as the events that might result to Texas from the same cause. If disaster should befal our men on the Rio Grande, their return to Texas will be well calculated to create sensations, not only of an unpleasant nature, but cast a gloom upon the spirits of our people that would be unfavorable to prompt action on our part. A state of great excitement is always unfavorable to military operations; and with the advance of the enemy in great strength confusion might soon mature into panic and cause the removal of families. With them, also, a large portion of those who should rally to the field would recede from the scene of action, leaving but comparatively a small force to contend with the invaders. If an insufficient force should rally and be compelled to give back before the enemy, it would only increase the panic, if any existed; and if at the commencement there should be no actual panic, it would have a tendency to create one, or at least to depress the ardor of our troops.

In regarding our enemy we ought not to rely so much upon their inefficiency, as upon our own preparation and readiness to meet them. By under estimating them, we neglect to husband our own strength and to use that forecast and precaution which might alone ensure success to our arms.

We have yet time to organise our forces by sending expresses to the several colonels commanding regiments throughout the Republic, with contingent orders, so as to meet, or rendezvous at certain points to enable us to counteract the probable movements of the enemy. This may be done at an expense not exceeding two thousand dollars; and an appropriation of that amount is respectfully recommended.

If Texas is invaded the object will certainly be to overrun the country by a formidable force, entering it probably in two divisions, the most numerous by San Antonio, detaching to upper Colorado a sufficient force, composed principally of cavalry to sustain itself; and after ravaging the upper part of that river, fall down to La Grange, and there unite with the main body advanced from Bexar. The lower division will probably enter the country by Victoria, and advance along the sea board in coöperation with the fleet destined for Galveston - inciting, if possible, an insurrection among the negroes of lower Colorado and the Brazos, supplying them with arms and munitions of war, and forming, finally, a junction with their fleet at Galveston. The division at La Grange may be expected in the greatest force to advance to Washington whilst the remainder of the division would diverge by San Felipe, and those at this point cross the Brazos, descend to the bay and there concentrate the entire force of the invading army. They would thus have the entire command of our waters and the gulf and could sustain themselves, receiving supplies by water, and by the aid of cavalry harrass the country Eastward as far as the Trinity and forage upon the stock and numerous herds of cattle which abound in Texas.

All this may not occur, and it is even possible that an invasion may not take place; but if the enemy possess means and invade Texas, this is the plan of operations which a general would project, and experience has taught us that we are liable to suffer its execution before efficient resistance could be made. To prevent the success of such a plan, in case of invasion, will require all the military talent of the

country with arms and ammunition sufficient for every fighting man, and some degree of discipline, with perfect subordination. Arrangements for this purpose should be timely and nothing hazarded upon the first encounter with the enemy. If we permit ourselves to be involved in an engagement with them and do not make our success decisive, we may rely upon this truth, that though we have twenty thousand warriors in Texas, three thousand will not be rallied at any one point for the conflict — unless they have confidence in their leaders.

Experience has also taught us that detached commands involve the country in the greatest calamities and insure inevitable destruction to both officers and men; the fall of the Alamo, the destruction of Johnson and Grant and Fannin, the defeat and execution of Capt. King's party, with the command of Col. Ward and the massacre of the unfortunate Fannin and his gallant band, are mainly attributable to a course which existed at that day, fostered by the General Council, of insubordination to the lawful authority. Orders had been given for the destruction of the Alamo more than a month previous to its fall. The commander in the town of San Antonio was ordered to fall back upon the Guadalupe both before and after the advance of the invading army. These orders were not obeyed, disaster ensued and havoc was the consequence. But three hundred and seventy four men could be rallied at Gonzales although there ought to have mustered eight thousand capable of bearing arms. And though the enemy were pressing on the settlements, and every exertion made by the Commander in Chief he could only rally about [illegible] men at the Brazos and but little more than that number fought at San Jacinto. Had [illegible] been [illegible] at the commencement of the invasion our men would have rallied and [illegible] in all human probability would not have left twenty men in [illegible] the enemy and driving them beyond the Rio Grande.

The loss arising to Texas from this cause was immense. [illegible] and [illegible] arms and ammunition [illegible] would they have been concentrated [illegible] could have contained a force [illegible] thousand men, and have [illegible] of which the [illegible] of the country could have [illegible] the [illegible] of the enemy to the [illegible].

At this time we have no organized [illegible] [illegible] be a probable demand for [illegible] [illegible] by this [illegible] the [illegible] [illegible] the [illegible] [illegible] [illegible] of [illegible] for the public defence. [illegible] at least three hundred dollars is imperatively required for the purchase of a [illegible] supply.

These facts are not stated with a view to alarm the Honorable Congress; nor are they presented in the language of complaint. They however do exist, and by no fault of the present administration. If it had possessed the means, some if not all, of the evils existing, would have been obviated. It is a picture of our situation unpleasant to present; but the facts generally have been at various times laid before the Congress for its consideration.

The Executive has asked for means to enable him to collect and secure such public property as would be eminently useful in the event of invasion. He presented the subject at the commencement of the session in his general message. If it has not elicited their consideration and action, he nevertheless feels that he has performed his duty.

It is estimated that there are two thousand stands of arms scattered throughout the Republic, which, with the necessary power and means, might have been collected for the future service of the country. The number of efficient arms now on hand does not exceed two hundred.

Should Texas have to embody a force for resistance, it should be composed principally of infantry and riflemen. Comparatively few mounted gunmen or cavalry, with some companies of scouts and spies will be necessary. Our men are without discipline; and when they are once called into camp, to remedy that evil should be the unceasing duty of the officer in command. If individuals are permitted to repair to the camp mounted, their attention will necessarily be called to the care of their horses. A neglect of duty, great confusion and increase of labor will be the consequence whilst their minds will be diverted as well as their time from the subjects of organization and discipline. The establishment of subordination, which will be all-important, will be found much more difficult than it would otherwise be, where a similarity and uniformity of circumstance, prevailed with the men.

It is presumed to be the duty of every able bodied man in the Republic of proper age to rally in defence of his rights. Though this is the case we often find that persons are delinquent and that in times of great emergency those who have the most important interest in the country, find means to evade its just requirements. It is therefore respectfully suggested that such measures be adopted as, in the event of invasion will command the services of the militia <u>en masse</u>. As it now is, substitutes are often admitted, fitted out at the expense of the individual whose personal service is required, and the principal stands acquitted of duty, whilst, in many cases, the substitute has no interest in the country, and often after having received the fee from his employer engages his times and means in removing himself beyond the Sabine. If those who have an interest in the country are required to render personal service, the safety of their homes, their families and the sacred rights of the country would constitute them a corps that would prove itself invincible to the enemy and victorious in battle. Men merely mercenary would be far more likely to abandon a cause which seemed difficult or for the present desperate.

In arranging for the defence of the nation, our exertions ought to be proportionate to the magnitude of the achievement and the difficulty of the task. Every means that can be brought to bear, so as to give the greatest efficiency to our action, should be subsidised and employed. We should consider by what means we can best effect the great object of resisting the enemy, and forgetting the petty feuds which arise from local or factious feeling, unite in the holy bands of brotherhood, and present such a phalanx to the enemy as would give them a signal repulse and at once redeem our soil from all future attempts at invasion. If, however, we permit those schisms and feelings to exist which have heretofore reduced Texas to the very verge of destruction, we can hope for nothing but panic and disaster.

Since early in the year 1837, Texas has been recog-

nised as an independent state, and has had little else to do, except in occasional excitements, than to organise and establish the civil institutions of the country. The derangement of our finances has done much to reduce us to our present depressed condition; and though they were foreseen and foretold, the evil was not prevented; and it behoves us therefore at this time if possible to remove the evils and obviate the misfortunes with which we are surrounded. This can only be done by concert and union. Dissensions may exist in a country in time of profound peace without great detriment to the nation; but when a community is environed by difficulties and external dangers, nothing but concord and united exertion can avert destruction. That our enemy is encouraged ~~with~~ the belief and ~~by~~ the hope that the efforts of government will be paralyzed by influences which will thwart its plans and render its efforts nugatory, there can be but little doubt. The newspapers of our country which reach Mexico with astonishing celerity, will convey to them the idea that we are in a distracted and comparatively helpless condition. This will be calculated to inspire them with confidence; and in proportion as they believe that their success will be easy so will be their willingness and anxiety to achieve a great and bloodless triumph. If flushed with hope, they will come with an ardor and efficiency, which they would not do if they believed that they were to invade a country whose resources have increased since the disasters which befel its enemy in 1836. If Texas is now united, and those in command of her troops will exercise forecast and discretion, these circumstances ~~might~~ be turned to good account; otherwise we have much less to hope for.

The Executive, in making this communication feels it a duty he owes to himself and the country, that he should present to the consideration of the Congress a subject which immediately affects his relations with the Republic. The constitution declares that the President shall be commander-in-chief of the army and navy; at the same time it restricts him from personal command unless he should assume the same by authority of Congress. Although he sincerely deprecates the necessity which might render it proper for him to be invested with personal command; ~~yet he can~~ anticipate an emergency which might render it very proper and necessary to the interests of the country for him to do so. He would therefore, respectfully suggest to the Honorable Congress that if a formidable force should invade the country, and it should be necessary to rally our greatest strength, for the purpose of arresting their advance, he be authorised to assume the command in person.

This suggestion arises from various considerations not connected with any ambition or desire he might feel on the subject, but such arise from the fact that if the enemy do advance and find that those who, during their last invasion, participated in the strife, are withdrawn from the conflict and are suspended in the exercise of their full constitutional rights, it will inspire them with additional confidence. Also, if it should be necessary for the government to recede at any time to a place of greater safety, and retire before the advancing enemy, numbers would deem the peril greater than it might otherwise be regarded, become disheartened, and thus impair the defences of the country.

The veterans of 1836, who would repair to the army

finding the chief magistrate, their former companion in arms, was withdrawn from new perils, might not appreciate rightly the circumstances under which he was absent, and might suppose that it arose from the magnitude of the dangers to be encountered, or that he distrusted the success of our arms. Many, also, might rally to the aid of the country, if he were present, who might not under other circumstances, and thereby increase the means of national defence.

If from these considerations the Honorable Congress should think proper to authorise him to assume actual command, upon the advance of the enemy as far as the Guadalupe, he will be gratified to have it in his power to render to his country's cause every aid which his circumstances might enable him to perform. But, should their decision be otherwise, he will cherish no displeasure nor withold any means in his power; but, on the contrary contribute not only his good wishes but his best exertions to sustain those who may be in command and rejoice at the triumph of our arms.

It is respectfully requested that the Honorable, the Senate, cause this communication to be transmitted, in due season, to the House of Representatives, under injunctions of secrecy.

(Secret.)

Executive Department,
Washington, January 11th, 1843.

To the Honorable, the Senate

I herewith present for the advice and consent of your Honorable Body, the name of Thomas Harvey for the office of Notary Public for Matagorda County.

Executive Department,
Washington, January 11th, 1843.

To the Honorable, the House of Representatives.

The Executive hastens to reply to the resolution of your Honorable Body of yesterday's date, asking information in relation to the imprisonment of Antonio Navarro in Mexico, and the measures adopted for his release, &c.

The resolution is the first official announcement that the Executive has ever been favored with of the fact that the subject of this inquiry is retained as a prisoner in Mexico. His regrets in reference to the disastrous expedition which led to it, have been expressed in various communications made at different times, which are herewith enclosed, marked No. 1, 2 and 3, and which embrace his public

correspondence on the subject. —— It will be remembered that Congress has never authorized the Executive to adopt any measures, either for the release of the prisoners, or even made any provision for them. Inasmuch as the late Executive was unauthorised to fit out the expedition, the present Executive did not feel himself justified in placing the country in greater involvement by adopting any measure but such as his defined powers would sanction.

No. 3 will show that the Executive, so far as he did interfere, acted as an individual, without embarrassment to the government; and if his efforts contributed at all to the release of the prisoners he derived sufficient gratification from the fact without promulgating to the world the means by which it was effected. He has not taken any step, nor has he had any correspondence of an official character with the Mexican government since the capture of the Santa Fé expedition. The relations between Mexico and Texas have not been of such a cast as would justify any propositions on the part of the latter. The Executive has not the vanity to believe, after the rejection of two envoys extraordinary and ministers plenipotentiary, and the indignities heaped upon our nation, that Santa Anna would have been disposed to conduct a correspondence of a very amicable character. Therefore, he has not essayed to invite the attention of that government to the affairs of Texas.

The Executive seriously deplores the misfortune of our fellow citizen; and if the Honorable Congress will suggest any means by which his sufferings can be alleviated, or his restoration to liberty procured, he will not delay one moment in the execution of the plan. He has never had a dollar at his command for any purpose connected with the Santa Fé prisoners, nor has he ever been notified where Mr. Navarro is incarcerated, or that he has not been liberated.

Had the individual who was in corporal command of the expedition, on his return to the Republic thought proper to have reported to the Government the result of the expedition, it would have presented at once in the records of the proper Department, the number of those who returned — the number of deaths — and the number and names of absentees, and the cause of absence, and necessarily have apprised the Executive of the condition of Antonio Navarro. Owing to this delinquency, the government yet remains without any official intelligence, and could only be dependent upon rumor for any facts which it might desire to obtain and which would be necessary for its action. Had the individual, whose duty it was, reported every fact, the records of the country would have been more complete and the narrative would have furnished data, which might have proved useful to the country, if it were possible that a similar expedition should ever again be contemplated. Though it is presumed that while the recollection of the recent adventure remains, the government will neither project nor carry out a similar scheme.

No rational being could suppose, for this government to attempt by any direct means the procurement of the prisoner's release that it would not add to the rigor of his confinement and in all human probability ensure his destruction.

Whatever can be properly done by the Executive, for the mitigation or alleviation of his sufferings or those of our other valued fellow citizens taken at Bexar, will claim his car-

nest attention; for he would think poorly of himself, if he did not cherish the most ardent desires for their release, and employ every proper means for their safety and liberation.

Secret./

Executive Department,
Washington, January 13th, 1843.

To the Honorable the Senate:

In compliance with a resolution of Your Honorable Body of [illegible] his ult. I herewith respectfully submit the treaty of Amity, Commerce, and Navigation, concluded at Washington on the 30th of July last, between the United States and Texas; for their further consideration and action.

[illegible]

[illegible]

Executive Department
Washington, January 16th, 1843.

To the Honorable, the House of Representatives.

The bill "for the protection of the Western and Southwestern [illegible] frontier, and for other purposes," having been submitted to the Executive, [illegible] has received his mature and earnest consideration. In the examination [illegible] tion of its various provisions he has been actuated by a sincere di-

position to render his cooperation and aid in advancing any measure which he could believe calculated to give protection to the frontiers of the country. Plans have long been projecting and the Congress designing and legislating upon schemes which they deemed proper for frontier defences — none of which however has ever yet proved effective.

In May 1838, a militia law was passed over the veto of the Executive, divesting him of all military power and conferring his constitutional rights upon the Major General. All persons familiar with the history of Texas, must be aware that the period of the operation of that law was fraught with many disasters to the country. The moneys drawn under its provisions were squandered by those who have not, up to the present time, accounted for the sums drawn. The country derived no advantage from it, but, on the contrary, sustained positive loss to its treasury. The sum of twenty thousand dollars was expended, and additional indebtedness incurred to the amount of many thousands more. But though the consequences of that measure, so similar to the one under consideration, were so injurious, the Executive feels that he was free from any cause of reproach. To prevent it, he exercised his constitutional prerogative, and in its exercise discharged what he deemed a sacred duty.

The campaign of Gen. Morehouse up the Brazos, for which ten thousand dollars were appropriated, resulted in nothing beneficial to the country. That too was an independent command. The money was expended never accounted for, and heavy demands are yet suspended against the government for supplies procured by him to sustain the troops. The "corn campaign" of 1840, under Major General Felix Huston, cost the government upwards of one hundred thousand dollars, and resulted in nothing but [illegible] and waste of property.

[illegible] the Executive, in whose hands the power has been placed, by [illegible] to project and carry out campaigns and be held [illegible] to the nation, his responsibility would be such that, [illegible] means placed at his disposition, he would be punished [illegible] or for transcending his powers. But where [illegible] independent of the law, there is no accountability; [illegible] to the country from such a course of por-

[illegible] the appropriation of fifty thousand [illegible] of fifty six men each, without [illegible] be employed, or whether they should be mounted or separately. If sum adequate for this purpose could [illegible] believed that three hundred thousand dollars per annum — that whether it would be feasible in the present depreciated state of our currency, to procure with the proposed sum the necessary ammunition and such other supplies as would be indispensable for their proper maintenance, admits of serious doubt and is believed to be not within the power of the nation. The cost of sugar, coffee, salt and breadstuffs alone at points so remote from where they would have to be procured, would render the furnishing of supplies impossible. The government has not the means of transportation, and could not expect to obtain the teams necessary for that service.

It is to be apprehended, also, if companies are detached so far from the frontier settlements as the points designated in the bill on the Rio Frio and at the White House on the Nueces, that they would be continually liable to surprise, harrasment and imminent peril from the enemy. The service would be very la-

bonious; and to guard securely their horses, so as to preserve them against loss, would require a number of men greatly disproportionate to the number of those fit for duty. They would have no fortification or place of shelter against the enemy. If attacked by a force from the Rio Grande, they could have no hope of succor, and before they could reach a point on the frontier, if they were to attempt a retreat before a superior force, the probability is that the enemy on fresh horses would possess every advantage and defeat or capture them before they could reach a place of safety.

In the establishment of posts upon the frontier, reference should be constantly had to the practicability of maintaining them, until probable aid, in cases of emergency at least, could be afforded. The Executive deems the locations proposed as insecure; and therefore is compelled to regard this feature in the bill as unfavorable to the object for which its caption declares it to be designed.

From a knowledge of military operations and requisitions in Texas the Executive is disposed to believe that the classification and rendezvous of the troops proposed to be raised would require several months, if the object could even then be effected. The first requisitions are to be made upon the third and fourth brigades. They are so remote from the frontier to be protected that much time would be required for their preparation and rendezvous, and could not possibly be made available before the time of the probable invasion of the country in the spring. The fact also, that the troops required would have to provide, for the most part at their own expense, whatever would be necessary while in service, without the hope of any return in the shape of pay could not but produce much delay. The classification itself could not possibly take place under one month. After this, notice to those who had been drafted — the necessary preparation for a six or twelve months' campaign, and, if well mounted, the time required to reach our most exposed frontier, would consume from six weeks to two months more. This would bring the period of rendezvous to the middle of March. If useful at any time, it would be previous to that period. For it is fair to presume from the intelligence we have that the outposts designed for our troops, will then be occupied by the forces of our enemy. Were the call instant and men were turning out for the purpose of meeting the enemy entering the country, they could act with more promptitude and dispense with many things which would be required for a service of six or twelve months; and hence our troops could rally <u>en masse</u> sooner than a requisition of this description could be answered.

On the subject of electing a Major General, the Executive can speak advisedly. More money has passed from the government in consequence of their military operations than was ever allowed to the present Executive in three years service for the national defences. Generals placed in command independent of the government may be beneficial to Texas; but in no other country has it ever been deemed wise to render such officers irresponsible to the head of the government. The constitution declares expressly that the President shall be commander-in-chief of the Army. By this I presume it is meant that all officers shall receive their direction from him through the War Department and that they shall be responsible to him for their conduct — not that he is in person to command the army, but that by the constitutional and legally appointed officers his commands are to be executed.

If the country is invaded, is it proper that congress should resort to the seat of government with

passing by the seat of Government, have recourse to the Major General, who might reside upon the Sabine or Red River; or who might perchance be absent from the Republic, and all regular military operations be suspended until his action could be had? Or is it more proper that they should report to the Executive the condition of affairs and let him make a requisition through the Secretary of War upon the proper officers calling for the quota of troops proportioned to the emergency, or, if necessary, ordering out the militia *en masse*? Heretofore this has been the condition of the country. The suffering citizens have appealed to the Executive, when he could only reply that Congress by a constitutional majority had deprived him of the power of giving them the means of protection and defence and that they must go to the Major General to whom Congress had given the money and the men.

Thus was the President deprived of his authority to be useful. But the people not comprehending fully the truth, nor apprised of the acts of their representatives, denounced the Executive, thus shorn of his rights and deprived of every means, as an enemy to the country. Many of them, even up to the present time, have remained ignorant of the circumstances in which he was placed by the action of Congress. This bill would place him in a similar situation, and make the officer who might be elected [illegible] responsible to him; and not only that, but responsible to [illegible] earth.

A provision of the bill requires that the Major General [illegible] make reports to the Secretary of War; but at [illegible] subject to the orders of the same authority. It is [illegible] government, unknown to the constitution [illegible] itself, by placing the Major General [illegible] not only the President but all his [illegible]

To enable us to form [illegible] refer to the experience of the past. [illegible] that nothing beneficial to [illegible] the proposed measure.

The Executive [illegible] result from the election [illegible] cation of military [illegible] schisms and defections. [illegible] country. It is to be [illegible] becoming [illegible] those who [illegible] Congress [illegible] than [illegible] in [illegible]

office [illegible] command [illegible] brigadier general; [illegible] created under the law, [illegible]

election of Major General should take place, for no other purpose than to swell the number of general officers. And it is to be presumed that if a brigadier who is now in service were to be elected, it would add no efficiency to the individual, and merely be an increase of rank and title.

If the command contemplated by this bill were called into service it would not exceed a number greater than a major in the line has the right to command. Hence, every field officer in Texas would feel that the Honorable Congress, by this bill, had disregarded their claims and made a special exception in favor of an individual, whom neither the men nor officers of the Republic had any voice in promoting to the command.

It seems almost unnecessary to advert to the additional expense which would accrue to the country from creating such a feature in its military system. The additional expense would be more than one thousand dollars per month, an item which, in our present financial condition, would appear but little to compare with the interest in stability of the country.

[illegible] range of a horse, and will place [illegible] at through pro- [illegible] ages, he will ex- [illegible] be attend- [illegible] additional [illegible] it is but [illegible] which [illegible]

Executive Department,
Washington, January 16th, 1843.

To Charles Mason Esq.
Auditor T.G.

Instructions to Auditor.

Sir — You will not audit the account of any member of Congress for the time for which they were absent by desertion from their duties. By the clerk gives certificate, it is your duty to curtail the claimants account so that he shall only receive the public's money for the time in which he actually served. Men shall not receive pay who have produced hindrance to the Government by transacting a quorum, and who have thereby incurred many thousand dollars expense to the nation.

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understanding and approving [illegible]
[illegible] and service in your power for the accommodation [illegible]
[illegible] settlement of the emigrants lately arrived from France [illegible]
[illegible] request, that upon your reaching Galveston you will commence [illegible]
[illegible] emigrants them and [illegible] upon them the lively disposition of the Government [illegible]
fa[illegible] and to give them every possible accommodation [illegible]
[illegible] n able to make a permanent settlement in the [illegible]
[illegible] settled by Mr. Castro and to which they are

You are authorised to inform them that they can proceed at once to San Antonio and select and occupy the vacant houses in that place, and cultivate such farms as may be unoccupied, taking due care not to interfere with the rights of any citizen who may wish to do the same. Capt. Hays has been instructed from the War Department upon the same subject and will fulfil his duty. A copy of his orders to him accompanies this note.

The emigrants will find a French Consul at San Antonio, who will give them protection; and you can advise them how best to proceed. Mr. Castro left no agent in Texas by which the government [illegible] be able to direct their movements to the best advantage. [illegible] done so. The government, however, will do [illegible] permit to assist them in the case [illegible]

You will also [illegible]

[illegible]

[illegible]

Of the Treasury, until further [illegible]

To Lieut. Commdr. Lawrence. Borden, jr, Esq, Collector of Galveston, to advance to the Naval commissioners such an amount of money as may be necessary to enable them to execute their duties, and charge the same to the government. This will be done under the secret act in relation to the disposition of the Navy.

I have the honor to be your obt. servt.

[illegible] 25th January, 1843.

[illegible]

Executive Department,
Washington, February 3d., 1843.

To P. C. Watson, Esq.

Sir — In performance of your duties under your appointment [illegible] to collect Indian prisoners, &c., you may find it necessary to purchase or procure, clothing, blankets, horses, and provisions for them. You are therefore hereby authorized [illegible] to make such purchases or procure such articles as may be necessary to carry out the provisions and objects of the law under which you act. Exercise in all cases due economy, and act with the utmost practicable despatch.

I have the honor to be your obt. servt.,

Executive Department,
Washington, February 4th., 1843.

To Mr. P. Hoodhouse, Esq.,
Acting Secretary of the Treasury &c.

Sir You will order the appropriation for Indian purposes [illegible] to be opened, and direct the advance of two hundred dollars, for the use of [illegible] Immigration, to Gen. G. W. Jewell; and charge the same to account.

I am your most obt. servt.,

Washington 6th February, 1843

[illegible] seem it proper you will either act as [illegible] the requisite number should not [illegible] may arise with the Indians, or on the [illegible] decide upon.

[illegible] I have the honor to be your most obt. servt.,

Executive Department,
February 8th, 1843.

To James B. Shaw, Esq., Comptroller.

Sir — You will open the appropriation for fortifications at the mouth of the Brazos, of one thousand dollars, and let drafts be given on the Collector at Velasco for ($500-) five hundred dollars, in favor of Col. John Warren, agent.

You will, also, advance twenty dollars to the son of Col. Warren, bearer of express, out of appropriation, and charge the same to Col. J. Warren.

I have the honor to be your most obt. servt.,

Washington, February 10th, 1843.

To D. D. Cuep, Esq.

Sir — In reply to the inquiry contained in your note to me of the 4th instant, I have to say, briefly, that I am under the impression that General Terrell has addressed you on the subject, which you have probably by this time received.

Throughout the whole course of legislation upon the subject of taxes there is a plain and frequent distinction made between direct and license taxes. License taxes are not more direct than postage, and postage not more than imposts. If the framers of the law (and it emanated from the Secretary of the Treasury) had designed it to embrace license taxes, it would have so been expressed. I conclude, therefore, that the law requires you to make collection of licenses in Exchequer bills at their market value, and not otherwise.

I have the honor to be your obt. servt.,

Executive Department,
Washington, February 10th, 1843.

To Hon. W. H. Daingerfield:

Sir — In the discharge of the duties assigned you at New Orleans, you will procure to be engraved and forwarded to the Treasury Department as early as practicable, the amount of twenty four thousand notes of the following denominations, viz: 12½ cents; and an equal amount, in the aggregate, of each of the following denomination of six cents, eight twenty five cents, eight thousand dollars, and

of 50 cents, eight thousand dollars. — You will adopt such devices for them as will make the notes neat and appropriate. The lettering I suppose, should correspond with that of the Exchequer bills.

I designed at one time to have a portion struck of the denomination of 75 cents. It will be unnecessary, and you will therefore procure the denominations above specified only.

You will also procure and have conveyed to the Treasury Department all the plates which have been used in New Orleans, for striking money for Texas. It will secure us against fraud.

I have the honor to be your obt. servt.,

Executive Department,
Washington, February 13th, 1843.

To Gen. G. W. Terrell,
Indian Commissioner, &c.

I have the honor to communicate to you extracts from a late despatch of the Honorable Isaac Van Zandt, Chargé d'Affaires of Texas to the United States. Instructions to Indian Commissioners.

You will observe his remarks upon the first article of the proposed stipulations in the triplicate treaty between Texas and the United States in relation to the Indians. He seems to entertain the opinion that if this government permits the troops of the United States to pass into our territory in pursuit of and for the purpose of chastising Indians, in case of necessity, the privilege should be <u>reciprocal</u>. This you will not make a <u>sine qua non</u> for various reasons.

The United States troops stationed on our borders are <u>regulars</u>. They are commanded by gentlemen of intelligence, and are disciplined and subordinate. They are governed strictly by the rules of war, and always within the control of their officers. The officers are responsible and subordinate to their government. Texas has no regular force to keep stationed on her frontier. If any were to be employed within the borders of a neighboring country, they would either be drafted militia or volunteers, and there would not be the same guaranty for their good conduct and behavior, and the privilege would not be reciprocal on that ground. Furthermore, the conduct of our people on the frontier in passing into the limits of the United States in armed bodies, under the control of no responsible individual, has given rise to serious complaints through the minister of that government to the government of Texas, and that may furnish a clue to the motive for the qualification which is given to this article of the proposed treaty.

The United States will be bound to restrain the Indians within their limits, and if they do so, it will be unnecessary for Texas to be tenacious upon this point. If you [illegible] Texas and the commissioner [illegible] the [illegible] attend [illegible] with the stipulation [illegible]

construction, it could be understood that the United States were released from the obligation of restraining the Indians resident within their territory, or any other Indians, from committing depredations or acting otherwise than in good neighborhood towards Texas.

These are all the suggestions which appear necessary to accompany the extracts; and if no modification should take place, it is better to take the proposed article as it is, than not to have some provision. The bare weight of the United States connected with a treaty, cannot fail in having a salutary influence with the Indians. We must regard the moral effect these things are to have upon the Indians, and I am disposed to bring to our aid all the moral and political influence within our reach.

You can impress the fact of the cooperation of the United States upon the minds of the Indians, as a matter of course and as one we can rely upon with confidence. We are a very young people, and unfortunately, the Indians do not know us advantageously for our national character. I hope our intercourse with them will have a tendency to improve our condition as well as amend our character in their estimation.

I have the honor to be your obt. servt,

Executive Department,
Washington, February 13th, 1843.

Talk to Indians.

Brothers:

The great rains like your sorrows, I hope have passed away, and the sun is again shining upon us. When we all make peace, it will be to the heart like the sunshine is to our eyes. We will feel joy and gladness: Sorrow will no longer fill our hearts — the noise of an enemy will not be near us; and there will be none to make us afraid. The voices of our women and children will be gladness; they will be heard, cheerful as the song of birds, which sing in the green woods of summer.

The sleep of your people will not be disturbed — the hunter will not be alarmed in his camp. When our people meet their red brothers, they will grasp them by the hand as friends, and they will no more remember their sorrows.

I will send good agents to you who will give you my talks; and when you may wish it, they will send your talks to me. My ears will be open to your words. My heart will be warm towards you and your people.

If my people act badly towards your people, I will punish them. Our laws have given to the head chief of Texas a right to do so. If your people do wrong to us, they must be punished. I will keep our people from stealing from you, and you must not let your people steal from ours.

Bad men, who are our enemies, must be looked upon by you as enemies. You will be our neighbors and friends, and those who would injure us would do you wrong likewise. Let no Indians trouble our frontier, and we will make you presents as brothers. When we know that you are our friends, we will sell you arms, powder and lead, to kill game. We will buy your skins, your mules, horses and

jacks, or we will buy your sheep and goats, if you should bring any to our tradinghouses.

I have sent for fine lances to make presents to the chiefs who are most friendly, and I will send them by the agent in October, or I will send for the chiefs and with my own hand I will present them. I hope one chief of each band (at least) will come to see me so soon as the treaty is over. My councillors will show you the way to my home.

Come: and no harm shall fall upon you; but you shall return to your people with presents and happy. You may rely upon my words. They are not false — nor will I let harm trouble you as it did at Bexar. These sorrows must be forgotten. The thoughts of them only make the heart sad. Sorrow cannot bring back our friends. Let peace now be made, that we may lose no more, and trouble will not come upon us.

Let the wild brothers who love the prairies hunt the buffalo, and those who love horses build them and plant corn in their own fields. While they remain friends, I will keep trouble and sorrow far from them. Their women and children shall not weep for the loss of warriors or friends in battle.

The great Spirit will be kind to all people who love peace. Let all the Red Brothers listen to their chiefs, when they counsel to speak peace.

To the Chiefs of the Border tribes.

Your Brother,

Executive Department,
Washington, February 15th, 1843.

To James B. Shaw, Esq.

Sir — You are hereby appointed Acting Secretary of the Treasury. You will accordingly assume the duties of the office.

I have the honor to be your obt. serv't.,

Appointment of Acting Sec'y of Treas'y.

Sam Houston,

in the name and by authority of the Republic of Texas, to whom it may concern: Know ye, that in pursuance of the provisions of an act of the Congress of the Republic of Texas, entitled "an act to authorise the President to negotiate a loan of one million of dollars", approved January 22d, 1839, I have appointed, constituted and commissioned, and hereby appoint, constitute and commission M. P. Woodhouse, Esquire, on behalf of the said Republic, to contract for and receive the sum of fifty thousand dollars, to be raised under the provisions

Appointment & Commission to negotiate loan

of the act aforesaid; and to stipulate, obligate and bind the said Republic as he shall be authorised and empowered by the said act and the special instructions which shall be furnished him for his government in the premises.

In testimony whereof, I hereunto set my hand and affix the Great Seal of the Republic. Done at Washington the 15th day of February, in the year 1843, and of the independence of Texas the seventh.

L. S.

/Extract./ Washington, 17th February, 1843.

To Hon. Joseph Eve:

Note to Judge Eve.

My dear Judge — I find, as news reaches me both from the United States and Texas, that the subject of annexation is one that has claimed much attention and is well received. I find that even the oldest settlers — even some of the original "Three Hundred", are as anxious for the event to take place as any that I meet with. How the project is to ultimate, it is impossible to divine. The democracy of the United States is in favor of the measure; and if it should become a political lever, both of the political parties will seize hold of or grasp at the handle. But of these matters you can judge better than it is possible for me to do. You have more sources of information than I can have.

Truly thy friend,

Washington, 19th February, 1843.

To Maj. Benj. Bryant,
Indian Agent, &c.:

Instructions to Indian Agent.

Sir — The commissioners will see all the Indians I hope, and make such arrangements as may be best for the present.

Tell the Lipans that the two parties must unite till two chiefs from each party can come to see me.

You will see that the Indians are safely conducted to me.

You will furnish the chiefs with such supplies for their journey as they may need to reach this point. If you cannot accompany them, I desire that you should obtain the services of Mr. Murray, or some one in whom you have confidence.

The means of the government will not authorise more than one agent for the Lipans and Tonkeways. One ought to be sufficient, if he will give his attention to that subject alone.

I know Linney, the Shawanee chief, well, and he is a good man.

You may depend upon what he may promise to you. The Delawares are good men, and will be honest neighbors and true friends, if they say so.

I have written to the commissioners and given them my views; as well in relation to the Indians generally as to the Delawares and Shawnees.

I would be glad that you would see the commissioners while they are on the upper Brazos.

Peace on our frontier is all important to the happiness and prosperity of the country. The prosperity of the country has been deferred for ten years at least by the policy (or rather want of policy) and conduct of the last administration. Those evils must now be remedied by wisdom, honesty and prudence.

I will rely on your best exertions to attain the object desired.

I am, truly your friend,

Washington, 24th February, 1843.

To Maj. Benj. Bryant,
Indian Agent, &c.,

Sir — You will communicate to the chiefs of the Lipans and Tonkeways that, without leave of their agent and a passport, none of their people are to visit the seat of government. If needful at any time, the agent can use his sound discretion and permit a few of the chiefs to come on business. Indian Agent

There is some hazard to them in coming among the whites, without leave; and considerable danger to a single one.

The Indians must know that there is a supervision exercised over them. They will be better contented when this is the case.

While they remain at a distance, they cannot know how poor the government really is. If they know our poverty, they will entertain less respect for us.

I have the honor to be your obt. servt.,

Washington, March 5th, 1843.

To Shawanee Chief, Linney:

Talk to Indian Chief.

My Brother:— Your talk came to me. I read it and was happy! I remembered other days: our words came back to my thoughts. We spoke to each other, face to face: our hearts were open to each other: words of kindness entered into them and gave light to our countenances. When we talked together, our people were in our thoughts, and we remembered the women and children of our nations.

You have kept your words— nor have I forgotten mine. You wish to raise corn in our country and to be our friends. I know that you and our Delaware brothers are good men and will not use crooked words with your friends. I have written to our commissioners and told them to let the Shawanees, Delawares and Kickapoos settle on the waters of the Brazos and raise corn. They will also keep all bad red men from our frontier; or if any should come, they will treat them as enemies. You will stand by us and keep trouble from our people. If red men come to our settlements, or hurt our people when they meet them, the blame may fall upon good red brothers and cause injury to them and their people, so that our friendly brothers must watch all those whose hearts are not straight and who walk in crooked paths and in bushes.

If your people and my friendly brothers should raise corn, and live on the Brazos and trade to our trading houses, and receive the talk of our agents, you must get the wild brothers to make peace and keep it. If they do not, you must look upon them as enemies; because they will bring harm upon your people and this will cause great sorrow and crying with your women and children; and the loss of warriors sinks deep in the hearts of the chiefs and wise men of a nation.

Our traders shall buy from you all that you may have to sell, and the horses and mules that you may bring to them will get you all the things which you may wish to buy for your warriors, your women and children.

The red brothers all know that my words to them have never been forgotten by me. They have never been swallowed up by darkness; nor has the light of the sun consumed them. Truth cannot perish, but the words of a liar are as nothing. I wish you to come, and we will again shake hands and counsel together. Bring other chiefs with you. Talk to all the red men to make peace. War cannot make them happy. It has lasted too long. Let it be now ended and cease forever.

Tell all my red brothers to listen to my commissioners and to walk by the words of my counsel. If they hear me, and keep my words, their homes shall be happy — their fires shall burn brightly and the pipe of peace shall be handed round the hearth of their wigwams. The tomahawk shall no more be raised in war, nor shall the dog howl for his master who has been slain in battle. Joy shall take the place of sorrow, and the laughing of your children shall be heard in the place of the loud cries of women.

Your Brother,

Executive Department,
Washington, March 11th, 1843.

To Gen. G. W. Terrell, and others, &c.

Gentlemen — You will have received despatches from me before this is written. Your wishes relative to supplies, I have endeavored to comply with to the needful extent, but whether they will reach you, I cannot say. I regret that you had not sent for them, instead of relying upon me to send them. It would have saved me some trouble, and I have much business to transact. The sugar and coffee I send, to supply the commissioners, is all right; but, unless arrangements had been previously made, it cannot be supposed that more than that can be done at present. Blankets cannot be procured, and but little else, unless I knew exactly what was needful to meet present urgent wants. At this time we have not means; and we are establishing relations with the Indians, and when that is done we will know what arrangements will be needful in future. We must rely somewhat upon their promises, and they must rely upon ours, until they have given earnest of their friendly designs and good faith. Instructions &c. to Indian Commissioners.

In making presents, I will remark that all which are made must be to the head chiefs; and they will make distribution to inferiors, so as to build up and establish their own influence; and thereby render it available to Texas.

I have learned that some chiefs of the Shawnees and Delawares were anxious to come and see me at the time Mr. Stroud brought the report that the Indians were to meet in Council on the 9th of last month, and that he told them it was not necessary — that his coming would do everything for them: Also, that the Indians did not appoint the 9th ult. as the time of meeting! This may or may not be true; but certainly there has been great confusion in matters. I am satisfied that Mr. Durst's and Col. Williams' visit did not advance the prospect of a treaty; and I am sorry that they ever went upon their voluntary mission — for so it was.

It is important that we should come to some understanding of our affairs with our red brothers. Therefore, if there is a decided prospect of a speedy treaty being made, it will be proper to have it done; but if there is not, let one of the commissioners remain at some point where he can be safe and comfortable, and keep some one or more of the men who have been engaged, still employed among the different tribes, giving and receiving information, and sending all that is important to this place by express, so as to keep the President properly advised, that he may suggest such measures and pursue such a course as will enable him hereafter to establish relations of a friendly character, if possible, with the Indians. While things are thus attended to on the frontier, it will be proper for the commissioners to bring some of the chiefs to this place; — and if none else, those of the Shawanees and Delawares will come, but I wish to see two of each tribe that is represented at the treaty, and you can guarantee to them safe convoy. It would be needless for the commissioners to stay on the ground, unless they had an immediate prospect, thereby, of success; and that, I would suppose, could be ascertained by this time.

I would like to see Luis Sanchez and John Jacobs with the chiefs here; but it may be that they could not be

spared, if you do not succeed for the present in making a treaty with the tribes generally. I would like much to see Mr. Wyman, as it is probable that his services may be employed hereafter by the government.

If Maj. Thomas J. Smith is a commissioner, and it would suit him to remain, I would be gratified – if they conclude generally to return, from the intimation I have made. If none of the commissioners can remain, it will be proper to select some suitable person, in whom they have confidence with character and qualifications, to remain and act as stated, until such time as the Indians cored generally be brought in. But before leaving, they can make a treaty with such as are present, and engage them to bring about a peace with those whom you do not see.

The tribes on the frontier being at peace generally with each other will give weight to this suggestion; and the very name of a treaty with those already there will have a very decided influence with those who have not attended to treat. Even a treaty for the present with the Shawnees, Delawares and Kickapoos, would have an important bearing upon our Indian relations. This you can do at once, and bring the chiefs to see me. You surely can do something that will serve as a commencement and leave to the future its conduct and consummation.

For the five principal chiefs, I send five pipes. They are white, and the emblems of peace. I send sixty three plugs of tobacco for the chiefs and one dozen of shawls; also cloth sewed together for the prisoners, who, I am told, have no blankets.

If the chiefs come to see me, I have a pipe preparing in which we are to smoke of peace, and I will send to Houston and Galveston and buy suitable presents for them.

If the Red Bear is there, I wish to see him.

The Wacoes, Tah-woccanos, Toweashes, Sonies, Keechies, and Caddoes must be reached if they do not attend.

If in the power of the Commissioners, do, I pray you, get our prisoners; and if you think it would have a good influence upon any of the tribes who may not attend and treat, to send any prisoners which we have of theirs – send them. It surely can do no harm, but may do much good.

The incompetent manner in which matters were managed over Red River, last summer, has led to past and present confusion in the business of treaty making.

God grant you speed and the country peace. – Do the best you can.

Yours truly,

Executive Department,
Washington, March 13th, 1843.

To Col. Clark L. Owen:

Sir — You are hereby authorised to adopt such measures and pursue such a course in relation to the Mexicans who are hostile, suspected, or who occasionally visit Victoria, and the frontier, as you may think the necessities of the country and its security may require.

Letter of authority to Col. C. L. Owen.

Should you deem the declaration and establishment of martial law necessary for the attainment of the desired objects, you are authorised to make proclamation and enforce it by such means as circumstances may demand.

The peculiar, detached and exposed situation of that section of the frontier may demand and authorise extraordinary exertions to afford security to the citizens, which, under other circumstances, would not be sanctioned.

I have the honor to be your most obt. servt.,

Executive Department,
Washington, March 13th, 1843.

To John Hall, Esq.

Sir — You are hereby appointed Acting Secretary of State, during the absence of the Honorable Anson Jones.

Appointment of Acting Secretary of State.

I have the honor to be your obt. servt.,

Executive Department,
Washington, March 16th, 1843.

To W. D. Miller, Esq.

Sir — In consequence of the necessary absence of the Auditor, you will act in his place, so far as to examine and credit the account of John York, of this date, for one hundred and seventy eight dollars. For this special purpose, you are hereby invested with the requisite power and authority.

Appointment of Acting Auditor.

I have the honor to be your most obt. servt.,

Executive Department,
Washington, 20th March, 1843.

To Gen. G. W. Terrell,
Indian Commissioner, &c.

Instructions &c. to Indian commissioners.

General — Your communications of the 13th and 15th instant, came to hand last night by express.- My despatches by express returning to you, I hope have reached you, as well as letters sent by Mr. Clark. By them you will have learned my views and desires.

I am convinced that my opinion about making a treaty with such as have attended, or may attend previous to its conclusion, and employing discreet men to remain for the summer at the trading house (Delaware) and mixing among the various tribes, will have a salutary influence upon those who cannot be approached at this time. I doubt not but that the Delawares and Shawnees can induce the several tribes who have been hostile not to send out war parties until a general meeting of the tribes who have been hostile can be had in a general council.

I have written to Governor Butler that I would send a Commissioner to the Cherokee Council. It may be that I may send more than one; but that must depend upon my means, and the ends to be attained by the means I have at command for Indian purposes. I will not send any at this time to Red River, as I imagine no advantage could result. By sending a talk and that forwarded by some officer of the United States government, accompanied by a communication from some <u>authority</u> there, will have a most salutary tendency, while it will incur no expense to us.- Moreover it will identify that government with the action of Texas.

I still desire that such of the chiefs as the commissioners think best should come to this place. If I can once see and converse with them, I will be enabled to devise such measures as will be best suited to the establishment of such relations with the Indians as will give peace and security to our frontiers.

If Gov. Butler should have left, previous to the arrival of the express, I hope you will send one after him directly with the despatches which I forward to him.

The news from our naval commissioners is anything but pleasant or favorable. All my anticipations are realised. Moore assumes <u>supremacy</u>! He has negotiated for and obtained from Yucatan seven thousand dollars, and has succeeded in expending the whole amount, and declares that he will not give up the vessels! Bryan has returned and is with me to-day.- I will apply a remedy for existing evils.

I have the honor to be your obt. servt.,

Executive Department,
Washington, Texas, March 20th., 1843.

To the head chiefs of the Witchetaws, Jonies, Toweeashes, Wacoes, Tah-woccanoes, Haddoes, and other tribes: — Talk to Indian

Brothers: — I send this talk to you by Gov. Butler, the agent of our Great Brother, the President of the United States, The words which I speak to you are the words of a Brother, who has never told his red brothers what was not true.

Between your people and ours there has been war. Trouble has been in the path between us, and it has been stained with blood. While there is war no people can be happy. When the warriors are absent from home their wives and children may be killed by their enemies. If the warriors return with scalps or have stolen horses, it will not bring back their women and children to them: Their wigwams will be desolate; and they will have to kindle new fires and by them watch for their enemies.

If they make peace, they can rest with their people and be happy. The hunter can kill his buffalo and the squaws can make corn, and there shall be none to trouble them.

We are willing to make a line with you, beyond which our people will not hunt.

You shall come to our trading houses in peace — none shall raise a hand against you, nor make war upon your people. Our traders will have goods, such as you may wish to buy, so soon as you have made peace. The goods shall be such as you need, and they will be sold to you cheap. We will have agents to act for you, and see that no one shall do wrong to you.

When you wish to sell to our traders horses, mules, peltries, or any other articles, you shall have a good price for them, and you shall not be cheated.

You need not doubt the words I speak to you. If wrong has been done to the red brothers in Texas, it was not done by the chiefs who now are in power. They were bad deeds, and the people condemn them. They are now passed away.

It will do us no good to wrong the red brothers. Peace will make the white as well as the red brothers happy. Let us meet in peace and talk together as men who desire to walk in straight paths.

Let the young men of your nations take counsel of their chiefs and wise men. Then they will bring happiness to your people, instead of sorrow and trouble.

Our Great Brother, the President of the United States, desires that the Chiefs of Texas and the chiefs of the red men should make peace and bury the tomahawk forever. I will send a councillor to the grand council of the Cherokees; and (if you send chiefs there) he will make a treaty that will take out of our path the stain of blood and make it white, that we can walk in it and live as brothers; and he will appoint a great council in Texas.

Our Great Brother will look upon us with pleasure, and the Great Spirit will give light to the path in which we walk; and our children will follow our counsel

and walk in the path which we have made smoth.

Your Brother,

PROCLAMATION,

By the President of the Republic of Texas.

Proclamation concerning the conduct of Post-captain Moore.

Whereas E. W. Moore, a postcaptain, commanding the navy of Texas, was, on the 29th October, 1842, by the acting Secretary of War and Marine, under direction of the President, ordered to leave the port of New Orleans in the United States, and sail, with all the vessels under his command, to the port of Galveston in Texas:

And whereas, the said orders were reiterated on the 5th and 16th November, 1842:

And whereas, he, the said postcaptain E. W. Moore, was ordered again, on the 2d December, 1842, to "proceed immediately and report to the Department in person":

And whereas, he was again, on the 2d January, 1843, ordered to act in conformity with previous orders, and, if practicable, report at Galveston:

And whereas, he was again on the 22d of the same month, peremptorily ordered to report in person to the Department, and to "leave the ship Austin and brig Wharton under the command of the senior officer present":

And whereas, also, commissioners were appointed and duly commissioned, under a secret act of the Congress of the Republic, in relation to the future disposition of the navy of Texas, who proceeded to New-Orleans in discharge of the duties assigned them:

And whereas, the said postcaptain E. W. Moore has disobeyed and continues to disobey all orders of this government; and has refused and continues to refuse to deliver over the said vessels to the said commissioners in accordance with law; but, on the contrary, declares a disregard of the orders of this government and avows his intention to proceed to sea under the flag of Texas and in direct violation of said orders and cruise upon the high seas with armed vessels, contrary to the laws of this Republic and of nations:

And whereas, the President of the Republic is determined to enforce the laws and exonerate the nation from the imputation and sanction of such infamous conduct; and with a view to exercise the offices of friendship and good neighborhood towards those nations whose recognition has been obtained; and for the purpose of according due respect to the safety of commerce and the maintenance of those most essential rules of subordination which have not heretofore been so flagrantly violated by the subaltern officer of any organized government known to the present age, it has become necessary and proper to make public these various acts of disobedience, contumacy and mutiny, on the part of the said postcaptain E. W. Moore: Therefore,

I, Sam Houston, President and Commander in Chief of the Army and Navy of the Republic of Texas, do, by these presents, declare and proclaim that he, the aforesaid postcaptain E. W. Moore, is suspended from all command in the navy of the Republic; and that all orders, "sealed" or otherwise, which were issued to the said postcaptain E. W. Moore, previous to the 29th October, 1842, are hereby revoked and declared null and void; and he is hereby commanded to obey his subsequent orders, and report forthwith, in person, to the Head of the Department of War and Marine of this government.

And I do further declare and proclaim, on failure of obedience to this command, or on his having gone to sea contrary to orders, that this government will no longer hold itself responsible for his acts upon the high seas; but, in such case, requests all the governments in treaty or on terms of amity with this government, and all naval officers on the high seas, or in ports foreign to this country, to seize the said postcaptain E. W. Moore the ship Austin and the brig Wharton, with their crews and bring them, or any of them into the port of Galveston, that the vessels may be secured to the Republic and the culprit or culprits arraigned and punished by the sentence of a legal tribunal.

The naval powers of Christendom will not permit such a flagrant and unexampled outrage, by a commander of public vessels of war, upon the rights of his nation and upon his official oath and duty to pass unrebuked; for such would be to destroy all civil rule and establish a precedent which would jeopardize the commerce of the ocean and render encouragement and sanction to piracy.

In testimony hereof, I hereunto set my name and cause the Great Seal of the Republic to be affixed. Done at Washington, the 23d day of March, in the year of our Lord one thousand eight hundred and forty three, and of the independence of the Republic the eighth.

(S.)

Executive Department,
Washington, Texas, March 23d, 1843.

To James Morgan and William Bryan, Esquires:

Gentlemen — Your official report of the 10th instant, with the accompanying papers, has been laid before me by the Acting Head of the War and Marine Department. In full contemplation of all the subjects involved in the transaction, I must now render my orders touching the attainment of the design of Congress in passing the secret act for the disposition of the Navy.

Instruction to Naval Commissioners.

Col. William Bryan, Consul of Texas and naval commissioner, will immediately proceed to New Orleans, and in connexion with Col. James Morgan, also naval commissioner employ all proper and legal means to get possession of the national vessels, the ship Austin and the brig Wharton — b

wise all the public stores, arms, equipments, and public property of every description, belonging to the Republic — holding the same subject to the future orders of the government of Texas.

Should any resistance be made to the orders of this government by any officer of the Navy, or by other persons, you will apply in the name of this government to the Federal or other proper authorities of the United States, and demand of the same such aid as may be compatible with the relations of the two countries and the laws of nations.

Postcaptain E. W. Moore has had no authority from this government to ship men, appoint officers, enlist marines, or do any other act or thing but sail to the port of Galveston and report, or "turn over the command of the navy to the senior officer next in rank present," and report in person to the Department, since the 29th of October, 1842. He has had no authority to enter into any arrangements with Yucatan; nor could he do so without contumacy to his superiors or treason to his country. The fact of his shipping men, or enlisting or receiving volunteer marines, with an intention to go to sea, without the orders or sanction of his government, or contrary to orders, on armed vessels, will clearly render it a case cognizable by the government authorities of the United States.

His setting at "defiance the laws of his own country", to which he owes allegiance, is clearly treason. When the orders under which he received his "sealed orders" were suspended by the order for him to repair to Galveston, the "sealed orders" were of no avail, and it is his duty to return them "sealed" to the Department; as the event authorising the seal to be broken has not transpired and cannot now occur under the sanction of his government. His existence as an officer is derived from the organs and functionaries under the constitution and laws of Texas, and he is bound to know and obey them. Not to obey is "unofficerlike" — to "resist" them is "mutiny" — and to "defy" them is "treason." For him to persist would be piracy.

Should postcaptain E. W. Moore not forthwith render obedience to the orders of the Department with which you are furnished, you will have published in one or more newspapers in the city of New Orleans my proclamation; and forward an authenticated copy, with which you are furnished, to the Honorable Ashbel Smith, Chargé d'Affaires to France, at Paris; and also a copy to our Chargé d'Affaires to the United States, the Honorable Isaac Van Zandt, at Washington city.

It is deplorable for a nation to be reduced to the dilemma of either exposing the shameless delinquencies and flagrant crimes of its officers, or suffer itself to become the object of contempt or the victim of insubordination and anarchy.

Our national humiliation is attributable to a few disorganizing men who seek power without merit, and a few incendiary papers which are supported by such men with the avowed design of prostrating the constitutional officers by revolution. They shall fail.

I suggest these facts, that you may meet and counteract their influence, for the nation's sake and honor.

I beseech you to intermit nothing, until you have accomplished the objects of the law, for the prompt execution of which you were appointed.

Should sickness, or any other cause prevent the commissioners from acting jointly, they, or either of them, may act in all things separately and singly, but not adversely.

I have the honor to be your obt. sent.,

Executive Department,
Washington, March 28th, 1843.

To General Flaco, Chief of Lipans:

My Brother — My heart is sad! A dark cloud rests upon your nation: Grief has sounded in your camp: The voice of Flaco is silent: His words are not heard in council: The chief is no more: His life has fled to the Great Spirit — his eyes are closed — his heart no longer leaps at the sight of the buffalo! The voices of your camp are no longer heard to cry — Flaco has returned from the chase! Talk to Indian Chief.

Your chiefs look down on the earth and groan in trouble — your warriors weep — the loud voice of grief is heard from your women and children. The song of birds is silent — the ear of your people hears no pleasant sound. Sorrow whispers in the winds — the noise of the tempest passes. It is not heard — your hearts are heavy.

The name of Flaco brought joy to all hearts. Joy was on every face! Your people were happy. Flaco is no longer seen in the fight — his voice is no longer heard in battle. The enemy no longer make a path for his glory. His valor is no longer a guard for your people. The right arm of your nation is broken.

Flaco was a friend to his white brothers — they will not forget him. They will remember the red warrior. His father will not be forgotten. We will be kind to the Lipans. Grass shall not grow in the path between us.

Let your wise men give the counsel of peace. Let your young men walk in the white path. The grey headed men of your nation will teach wisdom.

I will hold my red brothers by the hand.

Thy Brother,

Executive Department,
Washington, March 28th., 1843.

To Maj. Benj. Bryant,
Indian Agent, &c.

Sir - Your letters were handed to me by the Lipans and Tonkewas.

Instructions to Indian Agent.

I will send you forms of returns so soon as they can be prepared. It will be of some importance to the nation to have a complete census of those tribes.

I hope the commissioners will succeed in making a desirable treaty at the Waco village. If they do, I am anxious that you should cultivate sentiments of friendship on the part of those Indians towards the other tribes. I am desirous of removing every cause of excitement to the Indians on our frontier. The future prosperity of Texas only requires peace to ensure its protection.

I send you a copy of a letter which I had forwarded to you by Tonsey, a Tonkeway. I am afraid he did not deliver the original. Until the country has more ability to bestow favors than at present, I am anxious that the Indians should not resort here. To those who have come contrary to my wishes I have made small presents.

I have written by them a letter to General Flaco. I hope it will be interpreted to him with care. To his wife I send eleven shawls - the mother of young Flaco, that was slain. Of his murder I know nothing; only it is said that Mexicans from the Rio Grande killed him. Major Hays has never written to me on the subject. When I get news particular of his death, I will write to you and you can inform his father of the facts.

If the Lipans and Tonkeways will go out to take satisfaction for his death, tell them by no means to harm women and children. The warrior scorns to hurt a woman or child, and only fights with men. - I will never shake hands with a red brother that has stained his hands with the blood of women and children - he is a coward and a "squaw."

I will direct the Indians that are here to communicate to their tribes not to come to this place except upon important business that cannot be done by the agent; and I will tell them so to speak to their people. And that they are to listen to your talks and walk in the path which you point out to them. When I wish to see them here, I will write to you and you can communicate to them my desires.

You will permit no person to trade with the the Indians, nor go among them without leave from you; and should you give leave to any, you will report the same to the government by the first opportunity.

I have the honor to be your obt. servt.,

Sam Houston, President of the Republic of Texas, to all to whom these presents shall come or may concern, greeting: Know ye that John Castro, son of the late distinguished General Castro, of the Lipan tribe, has given renewed assurances of a friendly disposition entertained for the Texians by a people so long advised by his father, and whereas I wish to give an earnest of my confidence, I hereby render him this testimonial and enjoin upon him to maintain the promises which he has made.

Passport to Lipan Indian.

And I hereby request all good citizens of Texas to render to him and his tribe every evidence of kindness and generosity, which the friendship of these people deserves. They are valuable to us as friends — they are good watches upon our frontier. Were they our enemies, it would do us much injury. Therefore it is the interest of our citizens to preserve their friendship. It will be best secured by treating them kindly.

Given under my hand and the Great Seal of the Republic, at Washington, the 28th day of March, 1843.

Executive Department,
Washington, March 29th, 1843.

To G. W. Terrell, J. S. Black, and T. J. Smith, Esquires,
Indian Commissioners, &c:

Gentlemen — Your favor of the 25th instant, by express, reached me last night, and I proceed at the earliest moment to reply.

Instructions to Indian Commissioners.

The intelligence you have sent me is cheering, and I earnestly hope may be followed by the most satisfactory results. Your devotion to the important object in view, under so many discouraging circumstances, is entitled to the highest commendation.

In the formation of a treaty with the tribes represented in council, it may be well to leave the lines of limits both between us and the several tribes, respectively, undefined for the present; with the understanding, however, that for mutual convenience and security, it shall be designated at the next general council.

Let it be so arranged and perfectly understood that the next general council of all the tribes disposed to peace, shall be holden on or about the 1st September next, at (if you think best) the Clear Fork of the Brazos — Tockanhono.

You may allow the Delawares and Shawnees to plant corn at some proper place on the Bosque. Encourage them to do so, and to use their influence in bringing in the wild tribes to the grand council above alluded to.

It will be important to Texas that the tribes entering into treaty should stipulate to regard all the Indians who shall make war on our people as enemies.

The commissioners may authorise the establishment of a trading house or houses at the Delaware station or plantings.

and may appoint a trader, exercising their best judgment in his selection, and directing him to the Executive for the proper license.

An agent will be stationed at the Delaware station, but he will not be appointed until the commissioners and chiefs come down.

I will send a commissioner to the grand council in the Cherokee nation, beyond Red River, to protect and promote our interests.

You may exercise your judgment and discretion in relation to the Indian prisoners in your possession. Those that are not sent home to their tribes, you may leave at Marlin's where they may be safe, and as little burthensome to the government as possible.

I shall endeavor to provide some suitable presents for those who may visit Washington; but I shall have to send to Houston and Galveston for everything.

I wish to see Sanchez, Chism, Jim Secondye, my "mate" Jim Shaw, &c., with the chiefs, at this place. Let "William Hockley" be brought down. It will be well to clothe him properly before sending him home.

You apprehended me rightly in reference to the confusion which has arisen from the last summer's transactions with the Indians on Red River.

I regret exceedingly that the express despatched to you on the 11th instant, with various supplies has failed to reach you. I cannot but suppose that there has been some villainous conduct on the part of the bearer of it.

One Waco prisoner I learn has gone with a lady to the United States but will return: when she shall be given up.

I anticipate much good from the coöperation of Col. Butler.

If any difficulty should arise about a treaty and the chiefs are willing to come down, it can be made at this place.

In relation to the Camanches, I will make the necessary arrangements with Jim Shaw, when I see him here.

I have the honor to be your obt. servt.,

Executive Department,
Washington, April 1st, 1843.

To Stephen F. Hoyle, Esq.

Sir — You will proceed to the city of Houston with as instructions to much despatch as practicable, and, if possible, have the accompanying bill filled, for the purpose of making presents to the Indian chiefs.

ent.

If the articles cannot be procured in Houston, and you are satisfied that they could be obtained at Galveston, you will proceed to that point for the purpose; though I hope it will not be necessary.

I do not wish to exceed the amount of five hundred dollars in presents to the Indians; but if you see any certain advantage to result from it, you may exceed the amount in purchases.

I hope you will find it convenient for Mr. Torrey to fill the bill at sixty days. If he cannot fill the bill, you will do the

best you can, so as to procure the articles. When they are procured, you will have them conveyed to this place, with all the despatch possible and by a safe conveyance. I look for the chiefs here in six or eight days, and I desire that on their arrival, they should not be detained.

I have the honor to be your obt. servt.,

Bill of articles required for Indian presents.

Bill, which I wish Mr. Hoyle to have filled, at sixty days, by Mr. Jovey. If filled by him he may rely upon the future calls of the Bureau, so long as he will furnish Indian supplies on accommodating terms for the Government on fair prices.

Washington, April 1st, 1843.

List of Articles for the Indians.

200 lbs. lead.
50 yds stroading, red and blue – good quality.
20 butcher knives, lignum vitae handles, with brass rivets.
20 Mackinaw blankets, or 3 points – the best that can be obtained; green or red are best.
20 small hoes, for corn raising.
20 hatchets.
4 doz. flashy red hdkfs. or shawls.
20 ps. calico.
Vermilion.
Flashy beads.
Wide ferretting – various colors.
20 small looking glasses.
2 doz. combs.
2 doz. small shears.
7 doz. coarse needles – (papers from 1 to 6.)
lbs. flax thread.
2 doz. calico shirts.
8 doz. awls and handles – (straight.)
1 doz. burning glasses.
50 lbs tobacco.
8 ps. inch or half inch ribbon – red, blue, green, yellow and white.

Indian Passport.

Sam Houston, President of the Republic of Texas, to all to whom these presents shall come: Know ye that Roasting-Ear, a chief of the Delawares is one of the signers of the treaty lately concluded with various border tribes of Indians, and therefore is entitled to the friendship and protection of the whites so long as he shall continue to walk in the path he has helped to make. When he returns to his tribe he will give them the talk of peace, and keep all his warriors and the warriors of his friends from mischief, from stealing horses and from war. We wish and expect a firm and lasting peace; but if mischief is done, trouble will grow out of it.—He will give counsel to all his red brothers of all tribes to make peace. This is the talk of a friend to peace and a brother. He will be expected at the Great Council in August, when we will again shake hands.

L. S.

Given under my hand and the Great seal of the Republic at Washington, the 15t. day of April, 1843.

Indian Passports.

A passport, similar to the above, was given to James St. Louis and Mac-kah-lee, chiefs of the Delawares; Linney, chief of the Shawnees; Beitah, Chowah and Had-dah-bah, chiefs of the Caddoes; José Maria, chief of the Ana-dah-kahs; A-cah-quash, chief of the Wacoes, Tah-woccanees, Nichetaws and Keechies; and to To-non-nish-ee, chief of the Quapaws.

Executive Department,
Washington, April 17t., 1843.

Indian Passport.

To all whom it may concern: Know ye that José Maria with his men, will accompany John Conner through the settlements homeward, and it is hoped the citizens will furnish them with the necessary supplies; and upon proper vouchers being presented the accounts will be paid by the Government.

Executive Department,
Washington, April 17th, 1843.

To Beden Stroud, Esq.

Sir — Please let José Maria and his men, who accompany John Conner homeward through the settlements, have twelve bushels of good seed corn; and upon presentation of the proper account the same will be paid for by the government.

Letter of request to Beden Stroud

I have the honor to be your obt. servt.,

Executive Department,
Washington, April 17th, 1843.

To Col. J. C. Eldredge:

Sir — Having been appointed General Superintendent of Indian Affairs on the part of the Government, you will accompany those of the friendly Indians who are now here and about to depart homeward, and through them obtain access to the wild and hostile tribes on our northern and northwestern frontiers.

Instructions to Gen. Supt. of Indian Affairs

You will first visit Houston and procure the articles embraced in the accompanying list, and return with all convenient despatch to this place; where further and more definite instructions will be furnished you in reference to the objects of your appointment.

You will be accompanied to Houston by several of the Indians now here, and you will see them properly provided for with the necessary subsistence which will be paid for by the government when the proper vouchers are presented.

If possible to do so, you will secure the services of the Indians in transporting the articles purchased to this place — otherwise you are authorised to use some other means.

The purchases will be made on sixty days' time.

I have the honor to be your obt. servt.,

Executive Department,
Washington, April 17th, 1843.

To Thomas S. Tovey, Esq.

Appointment of Indian Agent.

Sir — You are hereby appointed an agent to accompany Col. Joseph C. Eldredge and such friendly Indians as may go with him, to visit the tribes of wild and hostile Indians on our frontier and arrange the necessary preliminaries for a general treaty of peace with them.

Col. Eldredge will receive all necessary instructions in relation to his mission. The object of your appointment is, that if he should be prevented by illness or death, after having left the settlements, from performing the duties assigned him, you will consider yourself invested (and you are hereby invested in that event) with all the powers and you will conform to all the instructions given to him.

The compensation allowed you as agent to accompany Col. Eldredge, will be at the rate allowed by law (five hundred dollars per annum) from the time of your appointment until your return.

I have the honor to be your obt. serv.,

List of articles required for Indian purposes.

Memorandum of Articles required for the Indian commission, as furnished by Jim Shaw (Delaware.)

2 pr. blankets.
Red and blue stroudings.
4 lbs. vermilion.
2 ps. fancy calico.
3 ps. cotton bed ticking.
1 doz. black silk hdkfs.
2 doz. fancy shawls.
6 lbs. assorted beads.
Brass wire.
Lead.
Powder.
2 doz. coarse and fine combs.
1 doz. tin pans.
1/2 doz. tin cups.

Executive Department,
Washington, April 18th, 1843.

To William P. N. Marlin, Esq.

Sir — You will deliver to Acahquash the two Waco prisoners. They are girls — Nancy and Fanny — and he will take them to their tribe. This is all-important; and if they are averse to going, I wish you to use every inducement to get them to go with him.

Letter of request to W. P. N. Marlin to deliver Indian prisoners, &c.

I wish you to have them well clothed and to let them have blankets. The Government will pay you for the articles.

You may tell them that the chief says they shall come back at the council in four moons, if they wish to do so.

By complying with the request contained in this letter, you will oblige me much and confer an essential favor upon your country.

I have the honor to be your obt. serv.,

Washington, April 19th, 1843.

To Acahquash, Chief of Wacoes, &c.

Brother — It has been represented to me today that upwards of two hundred horses have been taken from the Lipans and Tonkeways by some of the wild Indians, said to be a party of the Wacoes. They are supposed to be the thirty out at the time my brother was here, and who did not know of the treaty.

Talk to Indian chief.

As these horses were stolen after my brother had signed the treaty of peace, it is expected that he will see them returned to the Delaware trading house, so that the Lipans and Tonkeways may get them. On account of the peace, the agent prevented the warriors of the Lipans and Tonkeways from pursuing and retaking their horses, and referred the matter to me to say what should be done. I have told them that you would have them returned, for I had all confidence in the truth of your words. By returning the horses it will help to make peace with all the red brothers; and the Tonkewas will not wish to fight or even again eat people, and the Lipans will make peace forever with the Wacoes and their friends. The Lipans and Tonkeways say, if they do not get their horses that they will make war till they get pay for them. This my brother, the Waco chief, knows. I do not like my red brothers to have war. Let all my brothers make and keep peace.

Your Brother,

Executive Department,
Washington, April 23d, 1843.

To Dr. Anson Jones,
Secretary of State, &c.

Sir — Inasmuch as the interests of the public may be greatly promoted by your repairing to Galveston and conferring personally with the members of the corps diplomatique at that place, and particularly with Judge Eve, whose severe illness is deeply regretted, in reference to the many subjects of moment now before your Department, connected with our foreign relations — you will proceed thither at your earliest convenience.

Note of request to Sec'y of State.

I have the honor to be your obt. serv't.,

PROCLAMATION,

By the President of the Republic of Texas:

Proclamation declaring martial law authorised to be declared and enforced from the Rio Frio and Nueces rivers to the Rio Grande.

Whereas, by an act of Congress passed the 16th January, 1843, martial law was authorised to be declared and enforced from the Rio Frio and Nueces rivers to the Rio Grande: and whereas it has been communicated to the Executive that parties are on our frontier claiming to be Texian citizens and representing themselves to be acting under the authority of the Government: and whereas, complaints have been made by the citizens of this Republic that they are suffering serious loss and injury by the aforesaid description of persons; and it being to the great detriment of our frontier settlers and contrary to the policy of this government that such parties should exist to the annoyance of peaceful citizens:

Now, therefore, be it known that I, Sam Houston, President of the Republic of Texas, do, by these presents, declare and proclaim that martial law shall from the date hereof take effect and be in force within and throughout the before mentioned territory lying between the Rio Frio and Nueces rivers and the Rio Grande; and I do prohibit all persons from entering the limits of said territory unless by permission of the government, or its officers specially empowered to grant such authority.

And, further, I do hereby declare and proclaim that all armed parties upon the frontiers, purporting to act under the orders of this government, except Maj. John C. Hays, of Bexar, with his command, are acting in violation of law and without authority and are hereby ordered under the pains and penalties of the law to disperse and not further to molest the citizens of the frontiers by acts of lawlessness and outrage; and the civil authorities of the country are hereby specially enjoined to arrest any who may attempt in future to embody themselves and act without authority from the government; and if it should become necessary to enforce order, the civil authorities are authorised to call upon the militia, and they are hereby required to render such aid as may be necessary to enforce order

and execute the laws. — In testimony whereof, I hereunto set my hand and cause the Great Seal of the Republic to be affixed. Done at Washington, the 27th day of April, 1843, and of the independence of the Republic the eighth year.

L. S.

Executive Department,
Washington, May 3d, 1843.

To Dr. James B. Miller,

Sir — I have the honor to appoint you Secretary of the Treasury of the Republic of Texas.

Note tendering Secretaryship of Treasury to Dr. Miller.

Your high character for integrity, moral worth and long attested devotion to the interests and prosperity of our country, in connection with your capacity, have furnished me reasons to confide to your care and management the finances of the nation.

Although at this time there is little to afford gratification to the patriot, I have confidence that the condition of our country is more favorable than it was at the commencement of the present administration; and I entertain confident hopes, if the present policy of the government is pursued and sustained, that within six months our country will have peace and our citizens security. Responsible duties devolve upon the cabinet; but they can be responded to by vigilance, constancy and patriotism. The means afforded to sustain the government are not sufficient for its necessities; but we must cut the garment to the cloth, so as to make out a covering for the infirmities of our situation.

I have confidence in a speedy improvement in our circumstances. With honesty of purpose, caution and common sense in design, sustained by firmness and energy in execution, we will effect every thing desirable that can be achieved with our means, and by economy they may be so husbanded, as to meet the most urgent wants of our condition.

At your pleasure, you will take control of the Department, which Mr. Shaw, the Acting Secretary, will be happy to place at your disposition.

I have the honor to be your most obt. sevt.,

Executive Department,
Washington, May 4th, 1843.

To Col. I. C. Eldredge, &c.

Sir — You will, with as little delay as practicable, proceed to the Camanche nation of Indians. You will have charge of your accompanying escort. — Thomas S. Torrey, Esq., will accompany you as Indian Agent, together with Jim Shaw and John Conner, two Delawares, with such as they may think proper to take with them for the protection and security of their outfit and other goods.

Instructions to Gen. Supt. of Indian Affairs, &c.

Shaw will go direct, so as to approach the Camanches in the most direct manner.

You will take with you two prisoners, "William Hockley" and a Camanche girl.

Should you meet with the Camanches agreeably to the appointment which the chief made with Shaw, you will restore the prisoners to him and make him such presents of the goods sent for that purpose as your discretion may suggest. The accompanying talk you will communicate to him through Shaw and Conner, and impress upon his mind that the presents made to him are gifts of friendship but not the offerings of fear. You will also impress him, as far as possible, with the pacific policy which the administration is now pursuing in relation to the Indians. You will tell him that the same man is not the chief of Texas at this time who was when their chiefs were killed at Bexar — that he looks upon such things with abhorrence — that both parties are to forget all past injuries and that for the future we are to be friends. Also, that the chief who made war with all the Indians in Texas has left it and will never return again to bring trouble upon them. When they make peace, they shall come to our trading houses where they will find friends, but not enemies.

Tell them that I expect them in early in August, when the moon is full, at the great council to be held at Bird's fort on the Trinity, which will be ninety four days from this date.

Tell the chief that I expect he will send runners to all the tribes of the Camanches with talks of peace, and say to them that the tomahawk is buried — that there is to be no more blood in the path, and that I wish the head chiefs of each band to attend at the council; and that no more horses are to be stolen.

You will tell him to bring all the prisoners which they have of ours to the council, and that their prisoners shall be there also. As proof of it, I send him two of theirs without ransom.

If the Camanches have been deceived by our people, they will never again be told falsehoods. The same chief who sends this talk, made a treaty with the Camanches at Houston, and whilst he was chief it was not broken.

It was broken by bad men, and the whites as well as the Camanches have had much trouble and sorrow since that time. Let us forget our sorrows and live like brothers. There is room enough for the Camanches in the prairies. They shall hunt their buffalo and the white men will not harm them. When they come to the white men in peace, they shall be met as brothers, and trouble will no more come amongst us.

I have not sent the chief the uniform coat, and the four men which he wished for hostages. When he makes peace and comes to see me, I will give him his uniform coat, and will make

him presents -- such as one brother would give to another, who had come on a long journey to see him.

I am sure he will believe my talk. The Delawares will tell him that I am a friend to the red men -- that I have grown up among them and have lived with them since I have been a man. I have never told a red man a lie, nor have I ever turned away from my friends. When I take him and his people by the hands, I will never turn away from them; but while they keep peace and treat us as brothers, I will always be their friend and never forget them. Nor shall the winds scatter my words.

You will keep a diary of all important incidents that may occur, and such observations as you may deem worthy of record on your tour. Should an opportunity be afforded, you will communicate to this Department such facts as you may deem important for its information.

You will not fail to have such of the Camanche chiefs at Bird's Fort as practicable.

You will inform them that no more presents will be made till a firm peace is established between the red and white men -- also, that the place where the council is to be held is so far from the settlements, it will be impossible for the whites to get provisions there. As this is a council to make peace, the whites will not be prepared to afford such supplies as they would be if they long had had peace. When we shall have made peace, and our red brothers meet us in council, it will be near our people, when we will have plenty to give them to eat.

You will have to exercise a discretion in relation to many matters that may arise. I would suggest the propriety of advising at all times, in case of the slightest difficulty, with Shaw. His being an Indian and acquainted with all their diversity of character, as well as with the different nations, will enable him to devise the best means possible for surmounting obstacles which may be interposed to the object of your mission.

I have the honor to be your obt. serv't.,

Executive Department,
Washington, May 4th, 1843.

To Pah-hah-yuco,
Camanche Chief, &c.

My Brother -- Our fires have burned far from each other. Your talk has reached me by our Delaware friend Sim Shawnee Chief. My ears were opened to your words -- they were words of peace. I have laid them up in my heart. I send you my words by the same friend. With him I send two of my young chiefs. The first is a war chief. They have eaten bread with me. They have set by my side. They have learned to love the red brothers. I send them that they may tell you many things. They know the counsel of peace which I have always given. They will speak to you words of truth only.

Chiefs who wish to be friendly should talk to each other. They should know the thoughts of each other and love peace.

Talk to Camanche Chief.

Peace will make the red and the white men happy. If we have war, our men must perish in battle. They will not return to our feasts; nor will they again sit by the council fire. Peace will save our warriors from death. They can then kill the buffalo, and their women and children have nothing to fear.

Your people can come to our trading houses, such things as your people need, our traders will have to sell to them. You will not have to go to a great distance, but, in the midst of your hunting grounds, you can find goods, and the journeys which you make will be in a land where you have buffalo and water. The warm sun of the South will give you grass in winter, and you will no longer have to travel to the snows of the north to get your goods. They will buy your horses and your mules, your silver and your gold, and all that you have to sell.

When you make peace with us, and we know that you are our friends, and there is no more war upon our borders, we will sell you powder and lead, tomahawks, spears, guns and knives, so that you can kill buffalo enough for your women and children. Friends sell these things to each other, and we cannot let you have them till there is peace; and when the path between us has become smooth and all trouble is removed out of it, we will know that you are our friends and not our enemies.

When you make peace you can come to see me, and none will do you hurt. Camanche chiefs and other red brothers came to me and made peace, and they returned to their people without harm. Troubles again grew up between our people. Prisoners were taken from each other. Bad traders went amongst you and hurt many of your people. At a council in San Antonio your chiefs were slain. This brought great sorrow upon your nation. The man who counselled to do this bad thing is no longer a chief in Texas. His voice is not heard among the people.

We must forget all these sorrows. Our people have bled and your people have done us much harm. You must do so no more.

You have our people prisoners, and your people are amongst us prisoners likewise. When you and your chiefs come to the Council at Bird's Fort on the Trinity at the full moon in August and make peace, you must bring all our prisoners and we will give you your prisoners in return. We have not sold your prisoners, nor have we treated them unkindly. We have looked upon them as our children; and they have not been hungry amongst us. I send you two prisoners that you may see them and know that they have been well treated. You must bring all our prisoners to the council; and when peace is made and we have become friends forever, we will give you all your prisoners. When you look upon them you will see that the white people have been kind to their red prisoners; and when peace is made, no more prisoners will be taken, but the path between us will remain open; and when we meet our red brothers, the Camanches, we will take them by the hand as friends — we will sit by the same fire, and the pipe of peace which I send you by Jim Shaw shall be smoked. It has been smoked in the Council of friends; and the smoke which rose from it showed that the red and the white man sat together

in peace – that they had made a smooth path between their fries and had taken away the clouds of trouble from their nations.

Your Brother,

Executive Department,
Washington, May 6., 1843.

To William P. N. Marlin, Esq.

Sir — Please deliver to Col. I. C. Eldredge such one of the Camanche girls left in your possession by the Indian Commissioners, as he may select to accompany him. He is authorised to receive her. Please see that she is decently and substantially clothed.

Letter of request to W. P. N. Marlin to deliver Indian prisoners.

Col. Eldredge is also authorised to take the Camanche boy "William Hockley", with him.

By a compliance with this order you will oblige me; and all the aid and assistance afforded Col. E. in facilitating his departure upon his mission by the citizens among whom he may travel, will be good service to the country.

I have the honor to be your obt. servt.,

Executive Department,
Washington, May 6., 1843.

To Capt. Charles Elliot,
&c. &c. &c.

My dear Sir — In the absence of the Secretary of State, by way of a familiar epistle, I design to communicate some official intelligence, which is due to Her Britannic Majesty's government as well as to that of Texas.

Note to Capt. Elliot in relation to the unauthorized operations of Captain Moore.

I have assured you that no aggressive action would take place on the part of this government against Mexico, beyond our avowed limits, unless it should be rendered necessary by the acts of Mexico towards Texas. In despite of this assurance, our navy has gone to sea. In doing so, I can only say that the Commander has committed the most flagrant outrage possible upon his country and the law of nations.

That you may assure your government that it has not been perpetrated with or by my connivance, I take pleasure in forwarding to you a proclamation and order; and that you may have it in your power to make such representations to the government of Her Majesty as will vindicate the head of this nation from

the imputation of insincerity and duplicity. — The crime is one of great atrocity and I have availed myself of the first moment to apply the only corrective in my power. All that has been done by Commodore Moore since the 5th ultimo has been in violation of orders under suspension and arrest. You can now judge of matters.

On the 5th of April, the order of the Department of War and Marine was placed in his hands, since which time he has ordered a court-martial, approved the proceedings and executed the sentence.

By the copy of a letter of instructions, also forwarded, which I delivered to one of the commissioners with orders to proceed immediately to its execution, you will find a clear anticipation of the course which would be attempted by Commodore Moore, and the precaution taken to prevent evil.

Such measures as you may be authorised to adopt for the present, apart from communicating the facts to your government, I trust will be adopted.

I am very truly your friend,

Executive Department,
Washington, May 6th, 1843.

To Hon. Joseph Eve,
&c., &c., &c.

Note to Judge Eve in relation to the unauthorized operations of Post-captain Moore.

My dear Sir — In the absence of the Secretary of State, by way of a familiar epistle, I design to communicate some official intelligence which is due to the government of the United States as well as to that of Texas.

The ink is scarcely dry upon the assurance that no aggressive action would take place on the part of this government against Mexico, beyond our avowed limits, unless it should be rendered necessary by the acts of Mexico towards Texas. In despite of this assurance our navy has gone to sea. In doing so, I can only say that the commander has committed the most flagrant outrage possible upon his country and the law of nations.

That you may assure your government that it has not been perpetrated with or by my connivance, I take pleasure in forwarding to you a proclamation and order; and that you may have it in your power to make such representation to the government of the United States as will vindicate the head of this nation from the imputation of insincerity and duplicity.

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Such measures as you may be authorised to adopt for the present, apart from communicating the facts to your government, I trust will be adopted.

I am very truly your friend,

Executive Department,
Washington, May 6t., 1843.

To Viscount de Cramayel,
&c. &c. &c.

Dear Count — Out of the routine of regular diplomatic correspondence, and in the absence of the Secretary of State, I take pleasure in communicating to you the accompanying documents. This is designed to place in your possession such information as will be proper to enable you to take such measures as you may deem advisable in the present emergency of our country, and to exonerate the nation from the shameful charge of duplicity.

Note to Viscount de Cramayel, in relation to the unauthorized operations of Postcaptain Moore.

The maintenance of good faith and the execution of the law are so essential to the interchange of national transactions, that I feel peculiarly solicitous to present the very complexion of facts to the representatives of those governments from whom we have ever received such kind manifestations as from His Majesty the King of the French.

I will offer no commentary on the acts which are submitted for your contemplation and action. You are most competent to judge of the measures which, under such circumstances, should be pursued.

With salutations of esteem and regard,

I am very truly your friend,

Washington, Texas, May 13th, 1843.

To William Nangle, Esq.

Dear Sir — It affords me the liveliest pleasure, in compliance with the suggestions of a friend of yours, to tender you, and through you to all who may feel interested in the successful efforts of genius and the reward of the meritorious, my willing testimony to your long and unabated devotion to the accomplishment of the piece of sculpture which I lately had the gratification to examine. Carved, as it is, from the blood consecrated walls of the Alamo, and commemorating the immortal deeds of men whose expiring breath was "freedom's breath of life," the performance cannot but be deeply interesting to every Texian as well as the friends of liberty in every land. Such tributes of art to the memory of "the undying dead," always inspire a just appreciation of the true nobility of man and stimulate in youth and age, correct sentiments of regard and emulation.

Letter of commendation to William Nangle.

The monument which you propose to exhibit to the patrons of your efforts, will not only represent the stone of which the cradle of our unhappy infancy is composed, but will stand a teacher eloquent, though inanimate, with the glorious lesson that he who falls battling in the cause of rational and well regulated liberty only requires the touch of death to render him immortal.

The conception and execution of the work are such as will no doubt elicit the approval and even admiration of every one who reveres the memory of the heroes of the Alamo.

Having become acquainted with your design upon your removal with your material from San Antonio to Austin, I have ever since felt a deep interest in its completion. You will therefore please accept the assurance of my best wishes for your happiness and prosperity.

I have the honor to be your obt. servt.,

Executive Department,
Washington, 25th May, 1843.

To William Bryan, Esq.

Sir — Your letter of the 19th instant, per Mr. Stephens, has just been received. You are mistaken in supposing that I would experience any surprise at the recent intelligence which I have received in relation to the Navy.

Letter to Naval Commissioner William Bryan.

So soon as I learned that the peremptory order from the Department of War and Marine to Commodore Moore for his suspension and arrest had been delivered on the 3d April by the Commissioners, and was not instantly removed from all connexion with the Navy, I then anticipated everything that has taken place.

I shall appreciate the acts of the commissioners according to their own showing, uninfluenced by passion, prejudice or rumor. I shall pursue the course that shall seem to me most promotive of the public interest. Upon the most full and satisfactory showing of Col. Morgan, I have felt myself constrained by the extreme aggravation of his conduct, and the great public detriment and injury arising therefrom,

to direct him a prompt dismissal from his station. —— In matters of this kind, the Executive has but one course to pursue — when gentlemen deviate from the path of duty by a disregard of orders, acting in contempt of the authorities of the government and assuming powers as unauthorised as they are pernicious to good government and injurious to the nation.

A letter of yours to the Department of War and Marine was referred to me, touching the proclamation. Apprehending that the commissioners might be at some loss on that subject (as the instructions to the commissioners accompanying it were too plain to be misapprehended) I determined to hold that string myself; and by so doing, I am very glad to feel assured, I relieved you from a very disagreeable dilemma. It would be a subject of exceeding gratulation to me if my friends were only as considerate to keep trouble out of my way as I am to guard against their embarrassment.

On the subject of the "Archer", &c., your letter is very satisfactory. I am glad that something is done that may possibly be of advantage to the country.

As soon as you get things in a state of forwardness and can, without prejudice in your duties, repair to this place, I will be gratified at the event. The government should certainly be apprised of all the intelligence that can be obtained in relation to the objects of the secret act of Congress under which you were appointed.

It will not be necessary for you to postpone a visit here, awaiting the arrival of the Texas Navy, though assurances have been received that it would return immediately. I regard that event as entirely problematical.

I have the honor to be your obt. servt.,

Executive Department,
Washington, May 30th, 1843.

To Hon. G. W. Hill,
Commissioner, &c.

Sir — You will proceed to Red River as Commissioner of this Government for the purpose of attending the Grand Indian Council, to meet, as I am informed, at some place near the Wicheta River.

Instructions to Indian Commissioner to

You will see the officers of the Government of the United States, who will attend on that occasion. You will communicate to them the Indian talk with which you are furnished, and open to them freely the objects of your mission. You will solicit their kind offices, as the Government of Texas has had assurances from His Excellency the President of the United States that he entertains a sincere desire that peace should be consummated between the people of Texas and the Indians on our borders.

The talk will be communicated to all the Indians unless the course should be disapproved by the officers of the United States Government who may be present. This

this is designed to preserve harmony and promote the objects of your mission. But if the council should be holden within the limits of Texas, you will be governed by your own discretion. It is very desirable that the chiefs residing within the limits of this Republic should attend the council at Bird's Fort, on the Trinity which is to meet at the full moon in August. You will accordingly request their attendance.

Knowing as you do the object and disposition of this government to promote peace, you will pursue such a course, directed by your discretion, as will seem to you most conducive to the purposes in view.

As Bird's Fort is remote from the settlements, and the difficulty great in procuring supplies it will be well to suggest that those who may attend of the Indians, should come supplied with provisions.

Presuming that Gov. Butler will be present at the Council, I have transmitted to him a talk, which I hope will be communicated to the Chiefs, as it corresponds with the one you bear as well as one I have sent to the Camanches.

Should the council not be held as anticipated, and you should learn that it is held at any other place, and believe from information that your attendance at it can be of any advantage to the objects in view, you will direct your course to that point; and, as soon as practicable, I desire that you should report to the Executive.

I have the honor to be your obt. svt.,

Executive Department,
Washington, May 30th, 1843.

Talk to various Indian chiefs.

To the head chiefs of the Wichetaws, Tonies, Towa-ashes, Sah-waackanies — Caddoes, Camanches, and other tribes:

Brothers: — I send this talk to you by the chief counsellor of my warriors. The words I shall speak to you are the words of a brother, who has never told his red brothers what was not true.

Those that I send to see you have sat by my side and eaten bread with me. They have learned to love the red brothers. They know the counsels of peace which I have always given. They will tell you of many things which it will be good to hear. They will speak the words of truth only.

Chiefs who wish to be friendly should talk to each other. They should know each other's thoughts and love peace. Peace will make the red and white men happy.

If we have war, our men must perish in battle. They will not return to our feasts nor sit by our council fires. Peace will save our warriors from death and our women and children from trouble. Then the buffalo can be killed and the wigwam be filled with plenty. Hunger and distress will be far away.

When peace is made firm between us, trading houses will be established, and all things that your people need our traders will

have to sell to them. You will not have to go to a great distance, but in the midst of your hunting grounds you can find land where you will find buffalo and water. The warm sun of the South will give you grass in winter, and no longer will you have to travel to the snows of the North to get your goods. You can sell your horses and your mules, your silver and your gold, and all you have to dispose of, to our traders. When peace is made firm between us, and we know that you are our friends and that there is no more war upon our borders, we will sell you powder and lead, tomahawks, spears, guns and knives, so that you may kill game without trouble. Friends only sell these things to each other; and we cannot let you have them until we have made a firm and lasting peace. When the path between us is smooth and white and all trouble removed from our footsteps, we shall then know that you are our friends and not our enemies. When the Great Spirit smiles, clouds and darkness are taken away from our path. When he frowns war and death and trouble come upon us. Let us listen to the counsels of the old men. Let us live like brothers and be happy.

When the pipe of peace is smoked, you may come to see me and none will do you harm. The white and the red men will meet as brothers. The Camanches once made peace with me at Houston. We smoked together, and they returned safely to their people. But a bad chief came in my place, and bad traders went among them and carried trouble with them. At a council in San Antonio many Camanche chiefs were killed by bad men. I was then far away and did not hear of it, till it was all over. I was filled with sorrow. My heart was sad, The man who counselled to do this bad thing is no longer a chief in Texas. His voice is no longer heard among the people, and he has no more power to harm the red men.

These things shall no more take place. We must forget our sorrows and walk together, like brothers, in the path of peace.

Our people have suffered and we have done each other much harm: War has been among us, and the white and the red warrior have been killed. We have prisoners, and you have prisoners of ours. When we meet in council they shall be exchanged. The white and the red prisoners shall all return to their homes and we will take prisoners no more. When you see the red prisoners, they will tell you that they have been well treated. They have not been hurt. And when our prisoners are brought to the council, you will find yours there also.

I send my war counsellor to invite the chiefs of our red brothers in Texas and on the borders, to meet in council at Bird's Fort on the Trinity, at the full moon in August. The chiefs of the white and the red men will there sit around the same fire and smoke the pipe of peace. Many of our Delaware, Shawanee, Waco, Caddo, and other friends and brothers, will be there. They have made peace and will speak for us.

Our Great brother, the President of the United States is anxious to see peace established between Texas and all the red people. The chiefs he sends to you will say so.

A talk like this has been sent to the Camanches by our Delaware brothers and white chiefs, who will see them and invite them to the Council.

Your Brother:

Washington, May 30, 1843.

To John Rogers:

My Friend... Since I came to Texas, I have had the pleasure to receive but one letter from you, and that long after it was written. Had it reached me when it became sooner, I would have been happy to have availed myself of the services of your son, in bringing about peace with the wild Indians. But I had taken other steps, although I had great confidence in any person you would recommend.

letter to him, to

your affairs.

I hope we are now in a fair way to make peace and to treat the Indians with that justice which has always been my wish. I have had no hand in all the injustice which has been done to them in Texas. I have been their constant friend, and it has made me many enemies. I do not regard them, for if I have made enemies of bad men, I know where they are and am not afraid that they can hurt me unseen.

You have known me since I was a small boy, and I hope will tell the Indians of the tribes living in Texas, who do not know me, that I will never make them false promises.

Our people are now willing for peace, and our legislators have come to the opinion, and have passed laws that it is but justice to give protection to the Indians. I do not believe that any more wrongs will be done to them, if they make peace. My desire now is to have peace with all people and to lay by the troubles of public life. You and I are both of an age now when we should love rest more than labor. We have both seen enough of the troubles of men in public station, and we have experience enough to choose that which is best.

I wish to have a council at Birds' Fort on the Trinity in the early part of August next, and if I conveniently can, I will visit there myself.

If we could meet once more in life, I would be happy, from our early and long friendship, to take you by the hand.

If you or any of your children or friends should ever come to Texas, you or they must not leave again without seeing me. I have forgotten none of the friends of my early life and of my exile.

Write to me, if you have time, and tell me as much about our old friends as you can. I hear but seldom from the Cherokee nation in Arkansas, though it would give me great pleasure to do so frequently.

Remember me kindly to your family and all my friends.

I am, very truly, your friend,

Washington, Texas, May 31, 1843.

To W. S. Ransom, Esq.

Dear Sir — Your letter of the 15th ultimo came to hand a few days since. I have to state in reply to your inquiries, that your worthy brother is no more. The sad casualty occurred at the time, place and in the manner you have seen stated. He died instantly, and was interred with all the decency and decorum that circumstances permitted. The commissioners to whom he was, by my appointment, officiating as Secretary, were with him.

When Gen. Terrell, who was one of the commissioners, returns to the seat of Government, which it is expected will be in the course of a few days, I will request him to address you more at length than I am now able to do, and furnish you a detail of the circumstances connected with the unhappy event we so much deplore.

I bear willing testimony to the many social and manly virtues of your lamented brother. He was universally beloved and esteemed by all who knew him. He was gifted with genius and talents as well as a heart filled with the noblest charity towards all men. We could wish he had found a better fate: but the ways of Providence are inscrutable.

Begging you, for yourself and aged mother, to accept the assurance of my sincere condolence,

I am, very truly,

Your obt. servt.,

letter of condolence, &c., to W. S. Ransom.

Executive Department,
Washington, May 31, 1843.

To Gen. Thomas J. Rusk.

Sir — Your communication of the 20th instant, in which you announce the receipt of your commission as Major General, has been received.

The President has never, even up to the present time, been officially apprised by Congress of your election to that office. The commission, which indeed confers no power of itself and is merely evidence of your official character, was sent you without being asked for. Your election by the Congress, conferred all the power necessary to the full execution of your duties. The law under which you were elected has defined your duties as Major General, and the President has no control over your actions as such. By the law he is divested of all such power. This constitutes the principal ground of my veto to the bill.

Those portions of your letter which properly fall within the purview of the War and Treasury Departments were immediately referred to them for their consideration and action.

It was confidently expected that you would at a very early day, either commence the execution of your duties or notify the proper Department of your non-acceptance

letter to Gen. Rusk in relation to his duties as Major General, &c.

the office, that the senior brigadier general might, under the law, proceed to carry out its provisions.

The Executive expected, in the event of your acceptance of the appointment from Congress, that measures would be "forthwith" adopted to organise the militia and have the companies stationed at their respective posts as prescribed by law.

It is strange that after the lapse of more than four months from your election, you should announce to me that you are "placed in a most delicate and responsible situation," and that "the country expects at your hands prompt and efficient action." It is to be regretted that you had not been impressed, at an earlier period with the condition of the West, which, within the last "seven years," has been "so frequently outraged and plundered."

It cannot be supposed that the want of your commission has caused the delay of "prompt and efficient action" on your part; for, early in the month of March last, you commenced action by the appointment of Mr. Mayfield Inspector General - an office not known to the law. If you, in that instance acted without law, it ought not to have suspended your action in the execution of the provisions of the law under which you were elected.

Since you have introduced the subject of pending negotiations by foreign friendly powers, I may be allowed to remark that I conceive the subject is entirely disconnected with the performance of the duties assigned you. The law under which you act was professedly designed for "the protection of the Western and South Western frontier, and in that object your duties as well as responsibilities end. As it was given by the constitution to the President to superintend our diplomatic relations, and as he, from his position would most probably possess a better knowledge of the affairs of the country than a Major General who could know very little of the international correspondences, and who had the duties of his own particular station to manage, it is at least reasonable to suppose that he would be the proper person, with the assistance of his cabinet, to judge of these matters. At all events it has been made his duty and he alone is responsible to the nation. The organization of the militia and the protection of the frontier have been assigned to you; but not the treaty making power which, as yet, under the constitution remains with the President and Senate.

The contents of your letter having reference to the appropriation of money will be answered by the Secretary of the Treasury, to whom the law has given the control and management of that subject. The ten thousand dollars has always been reserved for carrying out the purposes of the law. All the power of the President over the subject ceased with ensuring this reservation.

You ask whether my "sanction will be given for the militia to advance upon the Rio Grande and attack the enemy?" The law under which you were appointed does not embrace the subject of invasion but simply of <u>protection</u>. It surely cannot be imagined that our legislators designed, in the passage of the law, to make the agent elected to carry out its specific provisions a "law unto himself," controlled by nothing but <u>his own will</u>. If such were the case, where would be the limit of his power?

Would it not be more rational to conclude, if Congress intended to authorise such a course of policy, that they would have said so? On the contrary, we find no allusion whatever to the subject, in the law under which you are acting. The words "invasion" or "foreign war" no where appear in the enactment.

The general laws of the country authorise the President to call out the militia only in case of "insurrection or invasion". They allow him no discretion beyond the powers plainly granted.

I take pleasure in assuring you that whenever it may become the duty of the President to act, he will do so promptly. And although the law under which you hold office was passed over his veto, it is his duty and he will regard and obey it as the law of the land. He has presented no obstacles to its execution, nor will he do so, though the emergency for which it was said to be designed may have long since transpired.

I am, with the most respectful consideration,
Your obt. servt.,

Executive Department,
Washington, June 1st, 1843.

To Maj. A. Brigham,
Treasurer, &c.

Sir — The request contained in your note of yesterday, for a temporary leave of absence on account of ill health, Maj. Brigham — I cannot hesitate to grant. During your absence, James H. Raymond, Treasurer Esquire, will be appointed to perform your duties, as Acting Treasurer.

I have the honor to be your obt. servt.,

Executive Department,
Washington, June 1st, 1843.

To James H. Raymond, Esq.

Sir — You will assume and discharge the duties of the Trea- Appointment.
surer, in the absence of Major Asa Brigham. Acting Treasurer

I have the honor to be your obt. servt.,

Executive Department,
Washington, June 1st., 1843.

To Messrs. Tovrey & Brothers:

Gentlemen — Enclosed you have a memorandum of articles wanted for this Department. It is furnished you under the belief that Capt. Woodhouse did not make similar purchases for the Government in New Orleans. If therefore you undertake to procure these articles they will be purchased of you by the Government in the event they have not been procured by Capt. Woodhouse — which is not probable.

Make your purchases upon the best terms possible; that you may be the better able to accommodate the Government in moderate charges.

I have the honor to be your obt. servt.,

Memorandum.

3 Angell's file presses — usual size.
3 or 4 reams of good foolscap paper — ruled.
2 reams of large letter paper — ruled if possible on 4 sides.
2 large bottles of good black ink.
1 pound of "Coronation" sealing wax.
2 bolts of half inch plain white ribbon
2 " " " " green "
2 " " " " blue "
1 dozen papers of ink or paper sand.
1/2 dozen quires of good white envelope paper.
2 good spring-back record books — from five to seven quires in each — the paper measure (or page measure) of each will be about 18 3/4 by 13 1/4 inches — without red lines.

Let the articles be packed to themselves, and labelled "Executive Department", so that there may be no difficulty in selecting from purchases of a like kind made for any other Department.

Washington, 10th June, 1843.

To the Honorable, the Secretary of State:

Sir — You will say to our Chargé d'Affaires that, in referring the termination of our difficulties with Mexico to the friendly mediation of the governments to which they are accredited, we have given earnest of our desires for peace.

Instructions to Secretary of State

If peace is not concluded before the next session of Congress, or Mexico informed by those powers that she must confine herself to the West side of the Rio Grande, Texas will assume an offensive attitude, with all the means she can command, and will not feel restrained from the employment of auxiliary aid in the prosecution of the war — unless she can have peace or a satisfactory armistice previous to the anticipated foray in September. Her action will be an united action and the limits of her enterprise will not be bounded by the Rio Grande nor any other point. The region of Santa Fé will be one point from which our operations will progress. Texas can and will marshal an army there which will overrun the country dependent upon that point of territory.

Mexico, or at least the North Eastern portion of it, is subject to constant and most destructive inroads from powerful tribes of Indians. They make their forays beyond Monclova, Saltillo and near to San Luis Potosi and on the Lower Rio Grande in sight of Matamoros. In our treaties with the Indians we have not sought to stimulate them to the massacre of the Mexicans, but, on the contrary, have sought to inculcate a different course. Mexico has waged a savage war against us, and in their forays they have associated with their regulars untutored savages. If war is begun by Texas it will necessarily be a war of retaliation. If another foray is made by Mexico, it will not be possible to restrain the people of Texas. And though I have heretofore sought a pacific policy, under the most annoying circumstances, if the war is necessarily begun again, I will use all my energies in sustaining it and ensuring success to our arms.

The feeling of Texas is decidedly in favor of war. I have deferred the measure with due respect to the powers to whom we have protested against the course of Mexico, thus long, with the hope that another resort to active war would not be necessary and that their mediation would be successful. I yet hope it may not fail.

I have the honor to be,

very respectfully, your obt. servt.,

Washington, July 1st, 1843.

To Col. E. L. R. Wheelock.

Dear Sir — Your favor of the 29th ultimo is at hand, and in reply I have time only to say, that your proceedings in relation to the Indians meet my approbation.

Letter to Col. Wheelock.

We learn here that a company of men from the Upper Colorado has gone into the Indian country towards the San Saba for the ostensible purpose of mining; but we very much fear mischief of the most unfortunate and fatal character to the frontier may be produced by it. It is certainly to be deplored that there are to be found in any part of the country, people so far lost to every proper sentiment as thus to jeopardize the lives of the exposed and in many cases defenceless inhabitants of the border. What can one man do, when so many combine to thwart his efforts, disregard the laws and bring ruin and distress upon our citizens? They imagine that by thus crushing themselves they will bring mortification and odium upon me. They may succeed in the first, but not in the latter. If the people do not now, they will ere long understand my policy and do me justice. I do not submit my acts to the judgment of faction no more than I am governed by the jargon and discord of public clamor. May God save us from the poison and blight of faction — that prolific source of so many evils.

We have nothing very late: No arrival from the United States when the mail left Houston — and no news from Commodore Moore. While we hope for the best we look for the worst.

Our Mexican relations have assumed a more promising and hopeful aspect. Let us never despair of the Republic; but like true citizens, obey the laws, love order, be industrious, live economically, and all will soon be well. Noisy, nonproductive and disappointed men, who hate labor and aspire to live upon the people's substance, have already done us great injury abroad. At home they are too well known to be feared.

Let every good citizen on the frontier interest himself to protect and conciliate the Indians. If the whites do their simple duty to themselves, they need have no further difficulties with their red neighbors.

Within the last few days, I have received reports from the Commissioners which have gone to the Camanches, under date of the 2d and 11th June. They are both favorable, and the most gratifying disposition is evinced by the various tribes met with to consummate a general and permanent peace. A-cah-quash, the Waco chief, has proved himself a true and efficient friend and will no doubt do much to aid the commissioners in their object.

In haste; I am very truly yours,

Executive Department,
Washington, 8. July, 1843.

To Benjamin Bryant, Esq.
Agent, &c., &c.

Sir — You are hereby ordered to have all the Instructions to Indian prisoners held by this government, as well as those in possession of the Indian Agent Lipan and Tonkeway Indians, taken to Bird's Fort on the Trinity by the full moon in August (say by the 10th). You will make such arrangements as to have them clad comfortably and to take them with as little distress to them as you can possibly do with convenience.

You will take with you four captains of the Lipans to the Council. The Tonkeways need not attend the council as I will treat for them, nor must they commit any depredations upon any other tribe or tribes with whom we are at peace.

You will call on Col. John Marlin and Maj. Robert H. Porter, of Robertson County and get the prisoners now in their possession, and proceed from thence directly to the council ground at Bird's Fort.

You will procure mocasins or some other covering for their feet if needful; and such expenses as may be necessary will be defrayed by the government. You will have an eye directed to the strictest economy. I expect to be at the treaty ground myself, and you may assure the people on the frontier that I will use my best exertions to secure peace to them for the future and such limits to their frontier as will ensure their prosperity.

I have the honor to be your obt. servt.,

Trinity River, 13th September, 1843.

To Col. I. C. Eldredge
&c., &c., &c.

Sir — You will proceed to where the commissioners are with the Indians, and say to them that I desire them to procure suitable supplies for the council which will be held somewhere near the Brazos, and get through the business with as little delay as possible. They will make presents to the amount of fifteen hundred dollars in articles of use as well as Indian taste.

Instructions to Gen. Supt. Indian affairs.

The line will be agreeable to what was our understanding when I left, subject to convenient variations from points.

The supplies purchased for the support of the council will be sufficient, but not any for waste. Let the issues be made with care. When the council sits, I wish Col. Eldredge and Mr. Torrey to be seated with the commissioners and referred to in their capacities so that the Indians will regard them hereafter. I desire to see Luis Sanchez and Acal-quash at Washington

if convenient, as I will wish to see them on business. — The men whom I sent as guides with Col. Eldredge, will receive no advances or pay until I see them.

The commissioners will certify to the Secretary of the Treasury or the President for supplies and presents purchased in due form, bills of purchase and receipts. Drafts will then issue, if desired, on the sheriffs, or paid at the Treasury as the claimant may wish.

Mr. Kimbell and his associates will be traders on the Trinity. I sent Mr. D. K. Torrey to New York last Spring with a list of suitable articles for Indian trade on the Brazos and expect him in October with goods.

The commissioners will select the best site as a trading house, which he will occupy. I will select suitable persons for the agencies; and, so soon as a treaty is made with the Camanches, the traders and agents West of the Brazos.

I desire that the greatest economy may be used in all things. If any writing has to be executed at the council, you will be able to attend to it without incurring the expense of a secretary.

I wish you to apprise Col. Y. L. Smith of the arrival of the Indians and the desire of his presence at the council.

I will be glad if the Delaware chiefs attend at the council with the Camanches in December next.

The several tribes who wish to locate may select any places above the line. Let it be known, when the line is run, that mounds will be raised to show where it is in the prairies, and trees will be marked in the woods.

Where cases arise not anticipated, a careful discretion must be adopted. Such presents will hereafter be made as the President or government may think proper, and will depend upon the conduct of the Indians.

The Strouds will no longer trade with the Indians, as I have learned that they have violated the "intercourse law." The commissioners have the law; and if it be true that they have acted badly let them be proceeded against agreeably to law.

Let the Indians know that goods are sent for, and so soon as they come, that the agents will let them know when to meet and receive their presents and tobacco.

The appropriation will not justify a visit from the chiefs at this time; but if they behave well and their warriors do no mischief, if I live I will go to see them or send for them to meet me when the next grass is grown.

Salute the commissioners and shake the chiefs by the hand for me.

I have the honor to be your ob.t servt.

Trinity River, September 13th, 1843.

To Acahquash — Waco Chief.

My Brother: I send you my friend to shake you by the hand, and to tell you that my heart is still warm towards you. Col. Eldredge has told me all your good actions and they are many. Your actions are like the sun — they do not change. My heart is glad and I hope your path will be sunshine.

I hope to see you, with Luis Sanchez, soon. Col. Eldredge will see that you come in peace and are happy.

Your Brother,

Talk to Indian Chief.

Executive Department,
Washington, October 6th, 1843.

To the Honorable Anson Jones,
Secretary of State, &c.

Sir — The government of His Majesty the King of the French, having proposed the establishment of a line of Royal steam packets for the transportation of correspondence and passengers between Texas and France, you will proceed to Galveston immediately, for the purpose of making a conventional arrangement with the Viscount J. de Cramayel, Chargé d'Affaires of His Majesty, in reference to the proposed object; and also for the further purpose of having interviews with the English and American ministers now at that place.

I have the honor to be your obt. servt.,

Note requesting Secretary of State to proceed to Gal. veston, &c.

Washington, October 16th, 1843.

To Charles B. Young, Esq.

My dear Sir — Your letter, under date of New Orleans, 25th ultimo, has just come to hand. I lose no time in replying though compelled to be very brief.

You are under misapprehension as to the attention of the Secretary of the Treasury to your communication to him. His answer was duly despatched, as he informs me, and was possibly lost on the "Sarah Barnes" in the late wreck of that boat.

Gen. Thomas J. Green had no authority whatever to draw

Letter to C. B. Young in relation to certain drafts, &c.

upon the Department for any purpose whatever. And, indeed, had he been so authorised, the draft could not have been met without violation of law on the part of the officer at the head of the Treasury Department, or an advance from his own pocket; for the Congress, though aware of the capture of the said Gen. Thomas J. Green and his associates, made no appropriation or provision whatever for their relief. The government is therefore powerless as to the payment of the draft drawn upon it.

I have no knowledge whatever of any such individual as Charles P. Green.

It is unnecessary for me to express any opinion as to the conduct of which you complain. An honest heart will always prefer the most grinding hardship to deception, dishonesty and fraud. As to Gen. Thomas Jefferson Green, I need no cautions. He may succeed in robbing defenceless women and children and in defrauding the unsuspecting; but he can never riot upon the substance of the people while I occupy my present position in the government. I know him too well for that.

Please accept the expression of my sincere hope that time will bring yourself and Mr. Hargous ample remuneration for all your generosity towards those in distress; and believe me, very truly,

Your obt. servt.,

Executive Department,
Washington, December 12th, 1843.

Gentlemen of the Senate
and of the House of Representatives:

It affords me pleasure to greet you as the representatives of the nation, and to felicitate you upon the present promising aspect of our affairs. Abroad, we are at peace with all the world — at home, plenty fills the land. Our population is increasing and our settlements rapidly extending

General Message to Ninth Congress.

In augmenting and securing permanently these blessings to the country, I confidently rely upon your intelligent and patriotic cooperation. I rejoice that you have it in your power to aid the Executive in pursuing such a policy and perfecting such measures as may redound to our present and future prosperity.

At the commencement of the present administration, as all will recollect, the country was in a troubled and embarrassed condition. Our relations with Mexico were of the most annoying hostile and unpleasant character. No prospect of an amicable adjustment of existing difficulties appeared. Hundreds of our citizens were prisoners and in chains. Our navy was subsidized to a revolutionary portion of that country, and the enemy meditating and making incursions within our limits and executing every annoyance upon our border inhabitants. As a nation we were without a currency — sub-

out credit at home or abroad, and without mails to disseminate intelligence. Our resources could not be rendered available; and by this chain of untoward circumstances our citizens were despondent as to the future, and those governments with which friendly relations had been established regarded our condition with apathy. We seemed to stand surrounded with difficulties and without power or expedients to redeem us from our thraldom.

In addition to all this, the various Indian tribes upon our frontier, extending from the Red River to the Rio Grande, were hostile. Their frequent inroads upon our adventurous and enterprising settlers, had been attended with many melancholy scenes of blood. The husband and the father lying dead in the field which his industry had opened, and his wife and children carried into a cruel captivity, were almost daily occurrences in our border neighborhoods. There was not a cent in the coffers of the government, whereby it might afford relief to our people thus exposed and suffering.

These circumstances naturally deterred immigration and spread abroad distrust in the minds of the public, as to the willingness of the government to afford the protection which the condition of the frontiers so imperiously demanded. This want of confidence deprived us of many a strong arm for the sword or the plough, and prevented the introduction of the capital so necessary to the speedy development and increase of our national wealth.

Our situation is now different. For more than a year past we have experienced no annoyance from our Mexican adversary. The great powers which have recognised our independence, have evinced, by their endeavors to bring about a friendly and permanent adjustment of our difficulties with Mexico, the most lively and efficient solicitude.

In accordance with the desires of their government made known to the governments of the United States, France and Great Britain, that they should so far interpose as to prevent the continuance of the mode of aggression practised against us by Mexico, as being repugnant to the genius of the age; they have given us the kindest assurances that they would employ their good offices in a manner consistent with the friendly relations in which they stood to the contending parties; and, if possible, by changing the mode of warfare waged by Mexico, divest it of many characteristics incompatible with the practice of civilized belligerents.

The uniformly active and friendly offices which Her Britannic Majesty's government has, at the earnest request of this, interposed between Texas and Mexico, cannot fail to be regarded as highly gratifying evidence of its generous and friendly disposition and of a sincere and disinterested desire to produce results, as far as may be compatible with the relations subsisting between Great Britain and Mexico in complete accordance with the assurances which have been given. Nor has the Executive any distrust that all professions on the part of Her Britannic Majesty's government will not be efficiently fulfilled.

In the month of June last, a despatch from the Chargé d'Affaires of Great Britain near this government, announced the willingness of Mexico to proclaim an armistice and suspend all hostile action in case the same policy should be adopted by this government. Under these circumstances, the Executive did not hesitate to meet the proposition and embrace the policy indicated. He accordingly issued his proclamation de-

claring the establishment of the armistice; and commissioners were subsequently appointed and despatched to the point designated for the purpose of arranging with the Mexican commissioners the terms of the armistice, preliminary to further negotiations for peace at the capital. Since their departure, the Executive has received no important intelligence from them; but confidently expects during the present session of the Honorable Congress to be able to lay before them some account of the progress of the mission. He is satisfied that nothing will be wanting on the part of the gentlemen chosen for that service to forward an object for which their patriotism and qualifications seemed to point them out.

The Executive has no disinclination to an honorable peace; and he hopes that Mexico, like Texas, will be disposed to put an end to a protracted war, the further continuance of which can only prove detrimental to both. As far as a frank, sincere and upright policy will go in the attainment of an honorable and permanent peace, it shall not be wanting on the part of the Executive, whatever might be the advantages anticipated from a continuance of the contest with the increased population and resources of this country. That Mexico will evince the same disposition and avert the evils of war by a mild and pacific policy, is, I am quite sure, desired by the mutual friends of the two countries. If peace can once be established, the commercial intercourse of the people of both could not fail to create that state of feeling which would soon obliterate the recollection of past conflicts and cement the two nations together by all the ties of the most agreeable understanding.

A further prosecution of the war could have no other effect than to ensure the destruction of human life, the consumption of the resources of both parties and the demoralization of their national character. The wisdom and policy of the statesmen of the present day are oppugnant to war and bloodshed. In this respect the social and political feelings of civilized nations seem to have undergone a revolution. Governments that heretofore sought to increase by every means the number of their triumphs and embodied their national glory in the number of their victories, are now yielding to the policy and dictates of peace; by which intelligence is advanced, national wealth increased and the moral tone of society improved.

Immediately upon receipt of authentic intelligence of the capture of our men at Mier, the government adopted such measures as it was hoped would preserve their lives and restore them to liberty. Letters were addressed to the friendly Powers upon this subject soliciting their prompt and efficient interposition. But, although remonstrances were made by the British and American Ministers at Mexico, and although the greatest expedition was used, their interposition did not prevail until some of our brave men had been consigned to destruction. — The fact that individuals associated with General Somervell's command at Laredo had perpetrated acts of a most unwarrantable and disgraceful character, and such as were not sanctioned by the general sentiment of the army operated as a reason for the expedition and urgency of the government. It was apprehended that as soon as our men fell into the power of the enemy, they would retaliate; and men innocent of all crime or outrage fall victims to the faults of others.

Intelligence was received some time since from Mexico, through Her Britannic Majesty's Minister near this government that the Supreme government of Mexico was willing to restore all Texians held as prisoners by that government, provided we should pursue a reciprocal course. Accordingly a proclamation was ifsued restoring all Mexican prisoners to full liberty, and tendering them free passport and safe convoy to the Rio Grande. A similar proclamation had been ifsued in April, 1837.

The Government of His Majesty the King of the French, continues to manifest, as it has heretofore, the most friendly disposition towards Texas, and there is every reason to believe that its friendly offices will neither be suspended nor withdrawn. In confirmation of this, it may be mentioned that the Government of the King has expressed the desire and intention of establishing between our own ports and those of France a more direct and convenient intercourse by a line of royal steam ships. The establishment of this line will have a powerful tendency to increase our commerce with that country, and at the same time afford highly desirable facilities for the transmission of intelligence and for immigration — both of which are important desiderata. — These objects have presented themselves since the present Executive came into office; for then our relations with France were not of the most agreeable character. He consequently found himself under the necessity of reestablishing the friendly relations which had been broken off by his predecessor, by making reparation for the treatment which the Chargé d'Affaires of the King had received, not in strict accordance with the relations which should be maintained with friendly powers, through their public ministers.

With the view of extending our friendly and commercial relations with the continent of Europe; since the adjournment of the last Congress, a diplomatic agent, in the character of Chargé d'Affaires to the Netherlands, but empowered to form treaties of amity, navigation and commerce with Belgium and the Hanse Towns, has been appointed. Commerce with these latter has already opened and is increasing. Several vessels from Bremen, richly freighted with merchandise, have visited our ports and returned laden with the cottons and other productions of Texas. The Bremen Senate have also communicated through their commercial agent in this country a resolution of that government, declaring that upon the adoption of a similar resolution by this government, commercial relations shall at once be established between both upon a reciprocal footing. This subject will claim the early attention of the Honorable Congress.

Our minister at Paris has also been furnished with proper powers to open relations with the government of Spain: provided he shall be able to give it, in addition to the many other, onerous and important duties which now devolve upon him his attention. The importance of a commercial treaty with Spain from our contiguity to the rich and prolific island of Cuba, which would afford a market for many of our redundant products, would seem to demand early exertions to open this intercourse. And if the means of the nation will justify it, the Executive has no hesitation in recommending that suitable provision be made for a diplomatic agent at that court.

From the commencement of our national existence, until within the last spring and summer, no circumstance of an unpleasant character had occurred between the United States and Texas. It is true that the treaty of amity, navigation and commerce, concluded at Washington in July, 1842, for causes unknown to the Executive, was not ratified by the Government of the former; but it is possible that the action necessary for its ratification will yet be taken. It may however admit of a doubt whether the rejection of that treaty may not prove signally advantageous in the end to our own citizens; for it will be recollected that by a comparatively small expenditure the course of trade may be turned from the Red River into our own ports and commercial towns through the medium of a turnpike or Railroad and the channels of our own rivers. Indeed, it is natural always to prefer the least obstructed and most advantageous way to market; and the time may not be far distant, when a rich commerce which has hitherto found its way to the ocean through the rivers and ports of other countries, will be poured into our own and materially assist in building up and supporting our institutions.

It is with sincere regret that I feel called upon to lay before the Honorable Congress the fact of an infraction of our revenue laws by citizens of the United States attended with circumstances of a very unpleasant character. It appears that a quantity of goods ascending Red River were landed within our territory and there stored, without any communication with and without the knowledge of any of our revenue officers; and when discovered and legally seized by the collector of customs were reclaimed by force; and that officer treated in the most harsh and cruel manner; having been seized and bound, his life was menaced by drawn weapons, if he attempted to make any resistance; and he remained in this situation until the goods were reloaded by the force in attendance for the purpose of violently reclaiming them.

In addition to this, I deem it proper to present to the Honorable Congress some notice of the usage received from United States officers by a battalion of men, under the command of Colonel Jacob Snively who had been ordered out for the purpose of making reclamation for the injuries sustained by the members of the Santa Fe' expedition and for goods taken from traders, sent out by order of the President in 1841.

The command of Colonel Snively had all the official sanctions of this Government necessary to protect them from interference or molestation by the troops of the United States; and the Executive entertains not a doubt that they were acting within the limits of Texas. They were, however, disarmed by the troops of the United States, under the command of an officer of the regular army. The alternative presented to them by that officer was, either to march to Missouri, or attempt, at imminent hazard, a return to our settlements through a wilderness infested by large bands of Kiowa and other hostile Indians, with only five guns to every hundred men. They were thus exposed to extreme jeopardy; but owing to a combination of fortunate cir-

cumstances did not become victims. — The question of how far one friendly nation has the right to invade the territory of another, without the most urgent necessity, and interfere with its officers and troops acting under authority, is not a subject proper for discussion at this time. These things have been the subject of representations to the Government of the United States; and as reparation has been asked for the injuries and indignities thus inflicted, it does not appear necessary that the present Congress should take any special action in reference thereto.

Although officers of the United States government were concerned in both these matters of complaint, either before or after their perpetration, the Executive cannot, for a moment, suppose that, when the facts are presented with the proofs of which they are susceptible, that the government of the United States will withold that reparation due from a great nation to a power unable to coerce a compliance with the rules of justice. The characteristic magnanimity of the United States, their immediate neighborhood to this country, and all the circumstances connected therewith, induce the belief that speedy and ample justice will be accorded to Texas and all cause of complaint cease to exist.

Through agents appointed by the Executive, the government has succeeded in approaching and concluding treaties of friendship and intercourse with the various tribes of Indians inhabiting the territory of Texas, south of Red River, with the exception of the kindred bands of the Camanches and Kiowas. These latter tribes, owing to the occurrences of some few years since, the recollection of which was still strong, were disinclined to any intercourse with the government or people of Texas, and much time and trouble were necessarily required to conciliate them so far as to consent to a suspension of hostilities; which, I am happy to say, has been done. They have agreed to meet the commissioners of the government, for the purpose of concluding a peace.

Everything has been done commensurate with the means appropriated by Congress, for pacificating and tranquilising all our border enemies. The three commissioners of the government were for months arduously engaged in executing the duties assigned to them. Their zeal, ability and disregard of privation enabled them to triumph over every obstacle that energy and patriotism could overcome. With a suitable appropriation, it is confidently expected that relations of intercourse and freindship with all the tribes to whose depredations our frontiers have been exposed, can be established, and with some slight amendments to the existing laws, we may look forward to the preservation of uninterrupted peace.

It is clear to the mind of the Executive that, if good faith is maintained on the part of the whites, and the Indians treated with mildness and justice; the best protection will be afforded to our frontiers, with all the advantages of a lucrative commerce through our traders. Those tribes which desire to establish local habitations and cultivate the soil, will find inducements to settle near the sources and upon the tributaries of our rivers; and those who adhere to their roving habits will find the prairies sufficiently extensive, far beyond the abode of the white man, to furnish them with game for their families, whilst their friendly intercourse with our traders will enable them to engage with more facility in the chase. By rendering them dependent upon us for the most essential articles of Indian use and consump-

tion, they will find it to their interest to maintain peace. Our government at the same time, by enacting and enforcing salutary laws, can restrain the whites from aggression and thus impress the Indians with a due sense of our justice towards them. In this way, our former enemies may be converted into useful and lasting friends.

Nothing shall be wanting on the part of the Executive, within the means afforded him, for the promotion of a policy dictated by a sense of justice and approved by experience. He is satisfied that it will, if carried out, do more to give security to our frontiers than millions expended in fitting out expeditions, which have never resulted in anything beneficial to the country. Instead of the large sums heretofore annually expended for the purpose of frontier protection, it is believed that the expenses of the present year, connected with the Indian operations of the government, will exceed but little, if any, the sum of ten thousand dollars.

A policy that was once condemned and opposed with the greatest vehemence, and its projector and advocate denounced, seems now, from the results which have already been attained, to receive that consideration satisfactory to every patriot. It has for many months past arrested the tomahawk, rendered useless the scalping knife, and afforded the most remote and exposed settlers on our frontier the opportunity of cultivating their fields in peace and reposing in security.

At the close of the last administration, the government came to my hands without a currency, as well as without credit or the prospect of obtaining the means for conducting its affairs. It was found to be indispensably necessary for the Congress to declare our inability to redeem, at that time, the paper which had been lavishly issued, estimated at, at least, twelve millions. Appalling and disheartening as was our situation, a plan for a currency was recommended to the representatives of the people for their adoption. The recommendation met the concurrence of Congress only in part; for some of the guaranties essential, as the Executive conceived, to restore confidence and ensure the redemption of the new currency, were withheld. And notwithstanding the wants and difficulties of the government at that period, the direct taxes were actually greatly reduced, and their collection postponed nearly twelve months beyond the time they had been usually paid in. Thus was the government left to rely solely upon the duties upon imports, which, from the unsettled state of the country, arising from rumors of invasion, were very limited. Under these embarrassing circumstances, the experiment of creating and sustaining the new currency was made. The consequence was that the value of Exchequer bills fell as low as twenty five cents on the dollar. And, in addition to the many other impediments to be encountered, it seemed to be the private interest of many to depreciate their value; and by promoting their individual advantage, to deprive the government of this slender means of existence.

By a judicious restraint, however, upon the issues — reducing them much within the amount authorised by law — a currency has been established, notwithstanding the hindrances mentioned and the delinquency of officers entrusted with the collection of the revenue. The wise and economical administration of the finances of the country by the head of the Treasury,

has raised its value to a par with gold and silver; and by the continuance of the same course, it cannot be doubted that the same value can be supported. It is certainly a subject for gratulation, that the practicability of reestablishing the soundness of our currency and maintaining our credit, has at length been demonstrated.

It is necessary and proper that the country should be supplied with a circulating medium. This may be effected by issuing no more Exchequers, at any one time, than the government can redeem in gold and silver. It is estimated that but about thirteen thousand dollars of these bills are now in circulation; and there is but little reason to anticipate an emergency, while the government is administered upon its present economical system, which would require a larger issue than the government will have it in its power to control or redeem.

The Executive believes that one of the strongest supports to our currency will be the exclusion by law from circulation within our limits, after some given period, say three months, all foreign bank paper. Within the last few years, the people of this country have sustained frequent and heavy losses by the failure of foreign banks and the depreciation of their paper, as well as from the circulation of spurious notes, purporting to be issued by banks which never had existence. To these may be added the injury sustained by the circulation of counterfeits. It is impossible for the community generally to judge of the genuine character or real value of this foreign currency, and hence their liability to be cheated and defrauded by every swindler, whether he be the special agent of some broken bank or a dealer in spurious or counterfeit notes. These evils have not been light; and, as it is the right as well as the duty of the government to regulate its currency and protect its citizens from imposition and harm, the Executive recommends as the most efficient means of performing this duty, the entire exclusion of the bills of all foreign banks. The congress has the undoubted right of inhibiting, by law, counterfeiting and the passing of counterfeit paper, and they have equally clearly the power to inhibit the introduction and circulation of all valueless foreign bank issues, or those liable to become so in the hands of our citizens.

In connection with this, I would also recommend the prohibition and suppression by statute of every description of paper in the character of bank, individual or corporation notes issued within the Republic and intended or used for circulation, as currency. If the Honorable Congress should concur in the adoption of this measure, the Executive is convinced by experience that it would go far to sustain the national currency, and better enable the government to furnish a circulating medium.

The defects in the system now in force for the collection of the revenues, are of such a magnitude as to require the particular attention of the Honorable Congress. The reliance heretofore placed upon the collection of the direct taxes for the purposes of government has, under the existing system, proved almost wholly fallacious. That the government must be supported, and that those who render service to it must be remunerated, all, who have an abiding interest in the country, will admit. To ensure efficient government, or even to supply its absolute wants, some system must be devised which will secure the prompt and faithful collection of the revenues provided by law. Hitherto, in many parts of the country, the most flagrant dereliction of duty has

occurred on the part of collectors of direct taxes. In several instances, sheriffs have failed and refused to give bond for the faithful performance of their duties and for the payment to the government of the public moneys received by them. In this way, there can be no longer any doubt, the government has been deprived of the revenues paid by the people for its support; which have been used by unfaithful agents for purposes of speculation and private emolument.

It is believed that this state of things arises, in a great degree, from the mode of selecting the collectors of the revenue. Our sheriffs are elected by the people, and, as a consequence, not readily controlled, except through the same tardy and uncertain medium. The control of the Treasury Department in the collection of the taxes, is thus almost totally destroyed. Were the country laid off into convenient collectoral districts, and a collector appointed for each by the Secretary of the Treasury, and nominated by the President to the Senate, it is believed the existing defects might be in a great measure obviated. The collector, thus appointed, under bonds in amounts sufficient to indemnify the government, and with appropriate penalties, would be more directly responsible to the Head of the Treasury for the honest and faithful discharge of his duties. As it is, that Department remains, in many instances, ignorant of the very names of the collectors of taxes until they themselves choose to make their report; and is thus deprived of the means of protecting the public interests and of enforcing in all sections of the Republic, as is contemplated by the laws, an equal support of the institutions of the country. The Executive, therefore, earnestly recommends the adoption of this system, believing it will tend to the general good and operate impartially upon all our citizens.

It may be well to allude to a fact which has greatly prejudiced the character of the nation. The charge that we had repudiated our government liabilities, has been industriously urged, not only abroad but at home as a cause of distrust and an accusation of bad faith. Other governments of high respectability have done so — Texas never has, and I trust never will. It is true that our liabilities were increased to so large an amount during the administration of my predecessor, as to render it not only expedient, but indispensably necessary, to defer their payment until the country could so far recover as to be able to comply fully with all its obligations. The fact that many of these liabilities were incurred for purposes not only not sanctioned by the legislature but entirely illegal and impolitic, has never, with me constituted a reason for a refusal to pay them at the earliest moment within our power. — Notwithstanding the mischievous and utterly groundless publications upon this subject, emanating from some of our public journals, the good faith of the nation will finally be thoroughly vindicated, by the redemption of every dollar for which it stands pledged. That we have not been able to do so before this time, has, perhaps, been a fault as well as a misfortune; but nations like individuals are sometimes compelled to yield to the force of circumstances.

But Texas has done all in her power, consistent with a due regard to selfexistence, to preserve, even under these adverse circumstances, the national faith. From an examination of our statute book it will appear that holders of our liabilities have had a fair and favorable opportunity for secure and profitable investment. Our public do-

main comprises at least one hundred and fifty millions of acres of choice lands, which have been and are now held subject to the redemption of our public debt. The adaptation of our climate and soil to the production of the great staples of the southwestern states of the American Union, is perhaps superior to that of any other upon the North American continent. These lands may be easily acquired under existing laws by all holders of our promissory notes at two dollars per acre. The opportunities thus presented to foreigners, or non residents, to become possessed of them are certainly desirable. Our constitution inhibits foreigners from holding lands unless the title emanate directly from the government to the purchaser — which would be the case under the law alluded to. A large portion of our national debt was created by the issuance of promissory notes at six for one; that is at a par value of sixteen and two thirds cents in the dollar — and many of them have been obtained by the present holders at a much lower rate. Hence, the real price at which our choice public lands may be acquired will not exceed thirty three and one third cents per acre.

As a further evidence of the disposition of the government to comply, as far as possible and as soon as possible with its engagements, it may be mentioned that all land dues and fees for patents, as well as all the taxes assessed previous to the last year, large amounts of which still remain unpaid, are yet receivable in the promissory notes of the government.

From these facts, it must be apparent to all, except the eye of prejudice, that Texas has never entertained the design of repudiation. Had such been the case, these laws, providing for the redemption of our promissory notes, would not have remained in force.

The Executive has looked upon the question whether our liabilities were legally or judiciously incurred, as one not proper to be examined; but, simply, whether the national faith is involved in their redemption. He has heretofore, and will ever continue to set his face against every measure which may even have the appearance of sullying the national character. He sees neither reason nor necessity for deviating from this course. He is clearly of opinion that our public faith should be, and will be held sacred, and that all our obligations will be redeemed to the uttermost cent, at the earliest period our means will justify.

To prevent the evil of further involvement to the country, the Executive respectfully recommends to the Honorable Congress, the total repeal of all the laws heretofore enacted authorising the negotiation of foreign loans. The action under these laws has already been productive of serious detriment. And the nation certainly possesses resources within itself of not only sustaining the government but, as soon as they can be made available, of discharging all our outstanding liabilities.

Notwithstanding an almost total failure in the collection of the direct taxes, the revenues of the last two years have been commensurate to the support of the government, upon the rigidly economical scale upon which it has been administered. For the present year, there will be a small surplus in the Treasury.

Although the crops of the present season, owing to the continued rains which have fallen during the period when the planter was gathering his products for market, will fall short of the calculation at one time made, from the prospect of superabundance; yet there is every reason to believe that our exports

for the present year will largely exceed the imports. And from the best data in possession of the Treasury Department, similar results are anticipated for the ensuing year. This cannot but be taken as encouraging evidence of our growing prosperity.

The assessments of direct taxes amount to forty nine thousand dollars; upon which only thirteen thousand dollars have been paid in. This fact will satisfactorily answer the question as to the source whence we must derive means for the purposes of government. Had it been reduced to the necessity of relying alone upon the direct taxes, it must inevitably have ceased its functions.

The attention of the Honorable Congress has heretofore been invoked to the subject of devising some method for enabling the officers of government to enforce the laws and execute their duties. To enact laws without giving the power of inflicting punishment for their infraction, is, certainly, a political paradox. The constitution and laws recognise the offences of treason, insurrection, mutiny and sedition; but the Congress has never appropriated punishment to their commission. Resistance to the execution of a law, by persons associated for the purpose, is sedition; and individuals setting themselves up in armed bodies in defiance of the laws and with the view of preventing their operation, is insurrection. That acts of this character have been committed to no inconsiderable extent, is well known in the Republic. They have a deleterious effect upon our character abroad, as a nation, and induce distrust as to our capability of self-government. It is within the power of Congress to define these offences, affix the proper penalties and authorise the officers entrusted with the execution of the laws to punish offenders in a speedy and certain manner. It may become necessary to our national existence that these things should be corrected; and it is also due to the peaceful and law abiding citizen, that his rights should be protected and his person secure under the shield and operation of the law.— So long as he remains insecure either in person or property, the strongest incentives to a patriotic course of conduct, are wanting. The obligations existing between the government and its citizens are reciprocal.

As it is impossible to foretel the result of the negotiations now pending between this country and Mexico, it is deemed prudent, and the Executive earnestly recommends to the Honorable Congress, that a sufficient fund be placed at his disposal for any emergency which might require the hostile action of the government. And he would likewise recommend that such laws be enacted as will enable him to reclaim the public property and arms which have been from time to time issued to individuals, and which are now scattered throughout the Republic.

He would also further recommend that, during the progress of the negotiations alluded to, a force be maintained at such point or points on our frontier as may be necessary for preserving order and suppressing any irregularities or disturbances which might arise from the acts of unauthorised persons within the territory occupied by either of the parties concerned in those negotiations. A correct policy dictates the propriety of preventing for the future, as far as practicable, the existence of the bands of robbers which

have heretofore frequented that district of country. An estimate of the amount required for this service will be furnished.

For the last two years, the officer acting upon our southwestern frontier has rendered the most important services to the country — and even more than could have been expected from the limited means appropriated to sustain him. But five hundred dollars were given by the last Congress for the support of the force under his command. This was totally inadequate; and debts were necessarily contracted which, when the services rendered are taken into view, are of an inconsiderable amount; for the payment of which it is hoped the congress will readily make the requisite appropriation.

The Executive, during the present session, will lay before the Honorable Congress a system of internal improvements, which will embrace the removal of obstructions in our rivers as well as the construction of roads and the erection of bridges, the want of which at this time operates as an almost insuperable obstacle to the planting interests of the country, in the transportation of their crops to market. The facilities possessed by Texas for works of this character will enable us to make them with comparatively small cost, and, by the plan in view, without the increase of taxation or the expenditure of money means necessary to the support of government.

Reports and exhibits from the several Departments accompany this communication; and the Executive will always be ready to furnish, with pleasure, such information to the Honorable Congress as may develop and explain the minutest transactions of the administration. The ability, fidelity and economy with which the business of the several Departments has been conducted leave him no ground for wishing to eschew the strictest examination, and on his own part, the most rigid accountability.

The discharge of the duties which necessarily devolve upon the legislative and executive departments of government, in the present condition of our national affairs, cannot fail to inculcate a unity of action stimulated by a sincere and ardent desire to promote and advance the only objects for which governments are instituted.

That the results of our joint labors may not only meet the expectations of our constituents, but that they may add to the general happiness and prosperity of the country, is my earnest hope.

That our country has enjoyed frequent manifestations of the favor and kindness of an overruling providence, all must be duly sensible; and it should therefore be our unceasing care, by acts of justice and uprightness, to merit a continuance of divine favor, without which no people can be happy and no nation great or prosperous.

Executive Department,
Washington, December 14th, 1843.

To Hon. G. W. Hill,
Secretary of War and Marine:

Note to Sec'y War. In relation to estimate.

Sir — By authority of a joint resolution for the protection of the Southwestern frontier, approved 29th January, 1842, you will estimate for the funds required to pay detachment of spies on that frontier, commanded by Captain John C. Hays, for services during the current year, at seventy five dollars per month, for commanding officer, and one dollar per day for the privates employed in said service.

I have the honor to be, very respectfully
your obt. servant,

Executive Department,
Washington, December 14th, 1843.

To Benjamin Sloat and Luis Sanchez, Esquires:

Instructions to Indian Agents.

Gentlemen: — Having been appointed to visit the Camanches and other Indians upon our frontiers and within the limits of Texas, you will proceed, with as little delay as possible, to carry out the instructions which are now extended to you.

You will proceed to the lodges of the Camanches, and the other Indians whom it may be proper to visit for the purposes of peace, with as much directness as possible; and when you shall have met them, you will communicate to them the object of your visit and distribute the presents entrusted to your charge — giving to the principal chief of the Camanches and to the war chief of that tribe and to Acahquash, each, one of the robes furnished for that purpose. If either of said chiefs be dead, or it be impracticable to see him, you will present his robe to the head chief of the Tah-waccanies. As soon as peace is made the uniform coat and epaulettes will be given to Pah-hah-quco.

You will impress upon those to whom you make presents, that they have been sent a long distance to his red brothers by the Great Chief of Texas — as the gifts of friendship but not as the offerings of fear.

You will particularly explain to them the pacific policy of the present administration towards the Indians. You will tell them that the Great Chief of Texas has lived much among his red brothers, and has always been their friend — that he has looked upon the killing of his red brothers at San Antonio, with sorrow, and seen the other injuries which they have suffered from the whites, with the deepest pain and mortification — that the voice of the chief who permitted all these bad acts to be committed is no longer heard in Texas — that he has no more power to do harm — that

the chief who now sends you to his red brothers is disposed to make a peace, which shall be firm and lasting, because he knows it will be best for both the white and the red man – that he wants his people to meet his red brothers in the prairies and everywhere, as good friends and not as enemies – that he wants them to trade together, because he knows that it will be to each other's advantage and that the white man will sell to the red man everything he wants and buy from him all he has to sell.

Tell them that if they have been deceived by white men, it shall not be so again – that five years ago I made a treaty with the Camanches at Houston, which, while I was chief, was not broken – that it was broken by bad men, and that the whites and Camanches have since that time seen much trouble and distress.

Tell them that a great council is to be held of all the tribes friendly to peace and to Texas about the full moon in the month of April next, at or near, the old council ground on Tahwoccany Creek, to which the people of my great Brother, the President of the United States, will be asked to come and assist the great chief of Texas and his red brothers in making a lasting peace; because my great brother the President of the United States is anxious to see the people of Texas and their red brothers all friends.

It is to this council you will invite the chiefs of the various tribes, particularly the Camanches and Kiowas, to come; and you will induce them by every proper representation so to do; particularly assuring them of the interest the United States feel in the matter.

Tell the chiefs that I hope they will send runners to the Camanches and Kiowas, and other tribes, with talks of peace, and invite them to the council. Let them be assured that the tomahawk is buried, and the gun and the spear laid aside.

A preliminary treaty was concluded in August last, with Pah-hah-yuco, the principal chief of the Camanches, stipulating a suspension of hostilities until the middle of the present month, when it was then anticipated a council would be holden on the Clear Fork of the Brazos. From the fact that it will be impossible to meet them in council at that time, it will be necessary, when you meet the Camanches, to enter into further stipulations for the suspension of hostilities until the council on Tahwoccany Creek in April next. You will be able to explain to them the reasons why no commissioners were sent out to meet them on the Clear Fork of the Brazos in Council. The late period at which the council at Bird's Fort was concluded and the subsequent continuous rains and high waters, with the difficulty of transporting the presents intended for them, &c., &c., will satisfy them that the government has not been acting in bad faith.

You will inform the Camanches that their people now prisoners in our hands will be delivered up as soon as peace is made; when it will be expected that the Camanches and other tribes holding our people as prisoners, will also deliver them all up. The Indians will remember that two of their people have been restored to them as a pledge of the sincerity of the President in proposing peace and an exchange of prisoners.

You will impress upon the Indians a knowledge of the fact, that the government has made arrangements for the establishment of trading houses on the Brazos and Trinity rivers; and the advantages which will accrue to the various tribes who shall remain at peace and carry on a traffic with these traders; and that after peace is made, there will be blacksmiths sent to them for the purpose of repairing their arms; and, also, that other trading houses will be established for the convenience of the Indians towards the Rio Grande.

I have the honor to be your obt. serv't.,

Executive Department,
Washington, December 14th, 1843.

To Pah-hah-yuco, chief of Camanches:

Talk to chief of young chiefs Camanches.

My Brother — Your talk has reached me through my young chiefs that I sent to see you and talk to you about peace. My ears were opened, and my heart was very glad. Your words are laid up in my remembrance.

I was happy to hear that the little prisoners I sent you arrived safely and were restored to their family and friends. We have several more which we wish to send home.

My young chiefs were well treated, and protected from harm. This was right: it was the conduct of a good friend. Our fires now burn far from each other; but I hope to shake you by the hand and thank you for all this. We are all brothers: the same blood flows in our veins: let us all then be friends: let us meet and shake hands in the prairies, at the council and at the trading houses. Chiefs should love peace; for war brings death and distress upon their people. The warrior is no more seen around the council fire, and the women and children weep in sorrow. Peace will make all happy, and plenty will fill the tent of every family. The buffalo can be hunted without fear, and the hunter returns to his home laden with the fruits of the chase. Peace will enable our traders to sell you whatever you want and buy whatever you have to sell. In the midst of your hunting grounds you can find goods, and you will not have to travel so far as heretofore for what you buy, or to dispose of what you have to sell. At a convenient distance you can find traders who will purchase your mules and your horses, your silver and your gold, your skins and all things else you have to sell. When we know you are our friends, and a permanent treaty is made, we will sell your people powder, lead, tomahawks, guns, spears and knives, so that they may hunt and kill game and live happily. Friends only sell these things to each other. When the path between us is made smooth, and all harm to each other moved far away, then we

shall know each other to be friends and not enemies. — When peace is made you may come to me, and no one shall harm you. Others of my red brothers have come to see me and shake me by the hand, and have returned safely. The Camanche chiefs came and made a treaty with me at Houston and received presents and returned to their people without harm. Bad men went amongst you, and brought upon the white and the red men, great trouble; but they are no longer heard in our councils. They have no more any power to do harm. The people have put them aside: they were bad men, and killed the Camanche chiefs who came to San Antonio to make peace. They are now gone and cannot do your people any more injury. We must now forget past sorrows, and embrace each other as friends and brothers. I have always been the friend of the red man. The Delawares, and Cherokees and Shawnees will tell tell you this.

I saw the treaty which Pahhahyuco made with my young chief, to do no more harm till the council. This was very good and my heart was glad. It showed that you would be a friend to the white, and our brother. The council at Bird's Fort and the great rains and high waters, have prevented my chiefs from meeting you in council; and I send my chiefs who will give you this to tell you the reason, and to request you and all your chiefs, to attend a council to be held on or near Tah-woccany Creek about the full moon in April next. — My Great Brother, the President of the United States has been invited to send some of his chiefs to the council and see the people of Texas make peace with their red brothers. My Great Brother is anxious for peace; and will see that both the white and the red men do right and injure each other no more.

I hope my good friend Pah-hah-yuco and the chiefs of the several bands of the Camanches and Kiowas will be present at the Council on Tah-woccany Creek at the time appointed. I hope also that they will send runners and invite each other to the council that all may be there to make peace, that there may be no more war and distress between the white and the red men, and that the traders may furnish all the several bands with goods.

The prisoners we have of your people will be at the council, and when our people among you are given up they will all be restored to their kindred and friends and be happy. The little prisoners I sent you are pledges of my sincerity. I never told a red brother a lie. Bring all our prisoners, and all yours shall be given up as soon as peace is made. When you see them, you will say that they have been well treated. They have not been hurt. The white people have been kind to the red prisoners.

When peace is made, no more prisoners shall be taken. The white and the red man will meet and shake hands, and sit around the same fire and smoke the pipe, as friends and brothers. There will none to make them afraid. — Come with your chiefs to the council; and those I send to speak to you will be your friends, and will speak nothing but truth and peace.

Your Brother,

Executive Department,
Washington, December 14th, 1843.

To Acahquash, Chief of Wacoes, &c.

My Brother — I have heard of you in the prairies. I was rejoiced. My freinds told me that you yet walked in the white path. Your words came to me by the lean Captain Gen. George W. Terrell. My heart is warm towards my friends. I will never forget that you were amongst the first to walk in the path between the red and the white man.

Yet to Hand Chief.

To let you know that you are not forgotten, and that I hold the friendly chief of the red men near my heart, I send you presents. Our nation is yet young, but peace will make us rich, and then I will send many presents to our red brothers.

At the Council at Tahwoccany creek in April next, I will send you a new pipe that I have had made at a great distance from here. It will be a pipe of peace. You will smoke in it with our red friends at the council, and if I cannot be there to meet you, you must come to see me, and we will smoke at my own fireside. I will look for the great chiefs of the different bands. If they come to see one, they shall not go away hungry.

I will expect you to go and be with my friends till they go to the Camanches and stay with them till the council.

I hope the Great Spirit will smile upon you, and preserve you, and give many blessings to my red brothers.

Your Brother.

Sam Houston President of the Republic of Texas, to all to whom these presents shall come: Know ye that in conformity with the law in such case made and provided, full and exclusive authority, power and license are hereby given to Messrs. Kerr & Brothers, to establish a trading house at some point on the river Bosque, above the line as designated by law as the boundary between the Indians and whites; and to stay and carry on said trade and commerce in said goods and merchandise not prohibited by law, with the Indians who may be at that place, the receiver of Taxes — the said Kerr & Brothers having given bond and security for the faithful and legal conduct of said trade, under the laws of the land and the instructions of the Secretary.

Given under my hand and affix the great seal of the Republic. Done at Wash-

Given under my hand and affix the great seal of the Republic.

ington, the first day of December, in the year eighteen hundred and forty three.

M. D. Miller,
Private Secretary.

Of even date with the above, a similar license was issued to the License to traders. A. J. Kimbell and Lewis V. Greer, for a trading house upon or near the river Trinity.

Executive Department,
Washington, December 15th, 1843.

To the Honorable, the House of Representatives.

I herewith transmit to your Honorable Body, an estimate made from the War Department; of the amount required for the payment of the liabilities, incurred by the detachment of Spies under the command of Captain John C. Hays, operating during the past year upon our southwestern frontier; also, an estimate of the amount required to support a company of spies or rangers upon that frontier for the ensuing twelve months.

Special Message transmitting estimates.

Executive Department,
Washington, December 16th, 1843.

To James B. Miller, Esq.
Secretary of the Treasury:

Sir — You are hereby authorised and empowered, in the name and on the part of the Government of the Republic of Texas to make and execute to Gail Borden, jr. Esquire, for himself and his sureties, as late collector of Customs at the port of Galveston, any bond or other proper instrument of indemnity against any suit or suits which have been or may hereafter be instituted against the said Gail Borden, jr., Esquire, late collector as aforesaid, or as Government agent, by A. H. Williams & Co., or any other person or persons whatsoever.

Letter of authority to Secretary of Treasury to indemnify A. H. Williams & Co.

In testimony whereof, I hereunto set my hand at the place and on the day and year above mentioned.

I have the honor to be your obt. servt.,

Executive Department,
Washington, December 18., 1843.

To James B. Shaw, Esq.

Sir — During the absence of the Head of the Treasury Department, the Honorable James B. Miller, you will perform the duties of Acting Secretary of the Treasury.

Appointment of Acting Secy. Treasury

I have the honor to be
Your obedient servant,

Executive Department,
Washington, December 18., 1843.

To the Honorable, the Senate:

In compliance with a resolution of your Honorable Body, requesting copies of the correspondence between this Government and that of Great Britain in reference to the claims of British subjects, to lands in Texas, I herewith transmit the same, so far as it has not heretofore been communicated to Congress — as will be seen from the accompanying communication from

Special message transmitting correspondence on subject of British claims, presented

the Honorable Anson Jones, Secretary of State. —

Washington, 19th December, 1843.

Mr. Joseph Walker:

Sir — Should you find the mine contemplated or any mine within the territory or limits subject to the disposition of the Executive, you shall have a preference in working the same, agreeably to law, with such persons or hands as may be necessary for the purposes connected with mining. You will, as early as possible, communicate the result of your discoveries.

Letter of authority to Jos. Walker to open mines, &c.

Should you meet any Indians in your excursions, you will represent to them the friendly disposition of this government, and, as far as in your power, cultivate their friendship. You will in all things be governed by law.

I have the hona to be your obt. sert.,

Executive Department,
Washington, December 20th, 1843.

To the Honorable the Senate:

The President at the earliest moment possible, has the hon- nor to respond to your preamble and resolution of the 18. instant. He re- gets that their extraordinary character will require a reply so much out of the ordinary routine of his executive duties. He has ever sought to extend to each coordinate branch of the government the greatest comity of intercourse. On the present occasion he will not depart from that rule, but it is his duty and he feels constrained to repel all encroachments on his constitutional privileges.

In reply to resolution of Senate requesting special message.

If the terms of the constitution were vague and indefinite in prescribing the appropriate spheres of each department of the government, the Executive might have some ground for supposing, from the language and tenor of the Senate's communication, that it might have arisen from a want of intelligence on the part of those who voted for its adoption

The Executive would be glad that he could have found a palliative for the outrage which has thus been attempted against his rights, which could be advanced in mitigation of the a

But though this might have been considered as humiliating to some extent to that Body, it would have left them free from the suspicion of a deliberate design to give countenance to the various calumnies alluded to in the preamble and resolution and in that way if possible bring suspicion upon the acts of the Executive as well as the gentlemen connected with him in the administration of the government.

That the preamble and resolution were intended to reflect directly upon the Executive and to countenance and endorse the multiplied slanders and defamatory "reports" which have been busily circulated through the medium of factious demagogues and incendiary presses, no rational man can doubt. Had this act of the Senate emanated from a patriotic desire to subserve the true interests of the country, by adhering with fidelity to its institutions, the Executive would have been first to approve the motive and cast the action. He feels too lively an interest for his country and its welfare, as has been evinced by his every act from the very moment of its existence to the present juncture, to yield to any other the exclusive merit of patriotic devotion. Had he been at yesterday in the country, attracted once by the love of speculation and the improvement of his fortune, and then called to introduce his family as a guarantee for the security of citizenship, and have, moreover, claimed a pecuniary interest in another country, as a provision to which he might resort in the event of distress or disaster to Texas, then his decided feelings and well as official action might be called in question. But notwithstanding he has been identified with the country from its infancy, in the revolution, it seems, from its action is a subject of the strict scrutiny of the Senators elect of the nation, that his motives and his actions are to be called in question by that body, in the most disparaging manner.

The only reason for this extraordinary movement on the part of these gentlemen in the preamble and resolution is grounded upon the allegation that great excitement has for some time existed upon the subject of negotiations said to be going on between Texas and certain foreign powers to destroy the continuance of our sovereignty as a nation. The existence of excitement is admitted but no great excitement alleged has not in fact existed. That efforts have been made to produce a general excitement throughout the country by heavy endeavors to agitate the popular mind since the inauguration of the present administration those of whom have received that a combination has formed for the purpose of putting down the government in consideration is readily admitted. But to assume that it was general feeling is calculated to do violence to the character of our religious a liberal citizens, their kindness and discretion to be as a nation. Since the inauguration of the Congressmen left to the present moment we have been more tranquility, more confidence in the permanence of our institutions no better hopes for the future than has been for months past and do now. No impulse has been imparted to the minds under auspicious more favorable to our national interests and the general prosperity and peace of the country than that which has recently assembled.

Well instructed with all the circumstances surrounding the nation and acquainted with the arduous and untiring labors which the officers have performed since the present administration commenced to extricate commenced to conquer at

the opening of its session, all the intelligence he conceived necessary and proper to be presented in his annual message. It is the undoubted right of the Executive of the nation to communicate his recommendation of such measures as he may from time to time deem proper, and it is equally his right to withold from disclosure such information as, if made public, might operate to the prejudice of the country. In calls for information by the legislative bodies of all countries where they exist, and particularly in the United States, to whose institutions ours are most nearly assimilated, such information only is requested as in the judgment of the Executive it would not be incompatible with the public interests to communicate.

It would be an absurdity to suppose that our national interests could be compromitted or our sovereignty as a nation jeoparded or ceded away by the Executive or any other individual. The constitution declares that the Executive "shall, with the advice and consent of two thirds of the Senate, make treaties; and with the consent of the Senate appoint ministers and consuls," thus rendering nugatory all Executive action upon international subjects, unless sanctioned or concurred in by two thirds of that Body. Thus the constitution leaves no room for "excitement"; for before our institutions could be jeoparded, if the Executive were silly enough to attempt such a thing, the infallibility of Senatorial excellence must cease and two thirds of that Body become as corrupt as this preamble and resolution would seem to imply the President might possibly be.

A proposition has never been made by this government to any other affecting our nationality, since the year 1836, when it was proposed to merge our separate existence by annexation to the United States.

If every syllable of the international correspondence of this government with other powers, were exhibited naked to the world, the Executive is confident it could not fail in securing the approval of the people to the ability, industry and integrity of the gentleman who is at the head of the Department through which such correspondence is conducted. That the people have a right to inquire into the conduct of their representatives, that they may be enabled to judge of their motives is a correct principle; but that they wish to obtain information which, if made public, would operate to the prejudice of their interests generally, I am not disposed to believe. Nor was it ever contemplated by our fellow citizens that the representatives whom they elected should supervise the correspondence necessary to be maintained by this country, and assume the treaty making power. If such had been the fact, a provision for that purpose would be found in the constitution. But this power was delegated to the President and Senate. The Senate are the constitutional advisers of the President; but they are not to dictate to him what correspondence to hold or what policy to pursue. They have the power, by a constitutional majority to negative his recommendations, but not to dictate his policy.

Suppose, for a moment, that, in compliance with the preamble and resolution in question, the President were "to recal the special messenger and delay his departure until the matters communicated through him should be made known to Congress, and such action had thereon as should be deemed advisable," what would be the consequencies to the country? Would it be rendering obedience to the constitution or to any law or custom? I think not.

If such a right were conceded as that assumed by the preamble and resolution, one of two things must be the consequence hereafter — either that Congress must remain perpetually in session or that, during their recess, all correspondence must be suspended, as none could be conducted without their advice. The constitution surely never contemplated this state of things; and the President entertains too much respect for the rights of the citizens and the body of their representatives to suffer in his hands the rights and dignities belonging to the station he occupies to be degraded and the express letter of the constitution violated, or the national progress impeded, to allay the alleged "excitement" which the emissaries of faction may have sought to produce or the incendiaries of discord lighted up with their torches — ministers of evil who strive to uproot the foundations of society and subvert the institutions of the country, cemented by the blood of many a martyr in the cause of Texian freedom.

No special messenger has been despatched by this government. The gentleman to whom the resolution alludes was none other than the Secretary of Legation to the United States. He had borne despatches from our Chargé d'Affaires near that government to our own, and had been detained for some time awaiting the meeting of the Honorable Congress that he might have it in his power to return with such intelligence as might be of advantage to this government. It had been known for many days that his departure would take place soon after the meeting of Congress; and certainly there was nothing in the manner of his departure calculated to create or increase surprise or "excitement". The Executive has been unable to discover anything in all this to "excite" wonder or suggest the necessity of his recall.

In all cases where negotiations have been concluded, and in all other cases requiring the concurrence and sanction of the Senate, they will be laid before that Body, if in session; and if not in session no further proceedings will take place until they shall have been convened and the subject submitted to their constitutional concurrence and action. If, however, the Executive required a precedent for a disregard of the intervention of the Senate or its concurrent action, he might find it in the history of the appointment by this government of two envoys extraordinary and ministers plenipotentiary to Mexico, with their Secretaries of Legation, without the concurrence or authority of the Senate — one of them the Honorable James Webb, a gentleman learned in the law and for some time previous to his appointment, Attorney General of the Republic. This gentleman received from the public treasury for his outfit and salary the sum of thirty thousand dollars, of which, after the failure of his mission, only five thousand dollars found its way back to the Treasury. Neither the advice nor sanction of the Senate was asked in these instances, nor was any appropriation made by law for defraying these expenses. They were therefore, drawn and used without authority of law. And strange as it may seem, the Honorable Senate were not even "excited" so far as to call in question the constitutionality or legality of those acts.

But these are not all the precedents on which the Executive might rely for any irregular action he might think

proper to take relative to our foreign relations. At the time the diplomatic movements referred to were made, a treaty was negotiated with persons from Yucatan at the capitol of this Republic, and its provisions carried into effect without ever being submitted to the Senate for its constitutional action. Though the nation was thus deprived of its naval arm of service, it produced no "excitement." It is strange that at this time "excitement" should arise in relation to negotiations never thought of but in the fevered delirium of opposition to the Executive, and that patriots, participants and beneficiaries in past transactions should have remained tranquil under these manifest violations of the constitution, and at this time, when none such are contemplated, should become so "greatly excited" as to disregard all "courtesy" which should exist between the Executive and the Senate and seek to degrade him by a system of inquisitorial exactions unexampled in history, is ample cause for amazement. If the President cared for a moment believe that any conduct of his could have induced the implication of his character contained in the preamble and resolution he would feel humiliated under the apprehension that his fellow citizens had elevated him to a station upon which he had brought disgrace. When he compares his incessant labors and familiar acquaintance with the affairs of the Government with those of the Representatives of the people, he is irresistibly drawn to the conclusion that his opportunities for forming correct opinions are at least equal to those who are occasionally engaged for a few weeks in the business of legislation, and then return to their various avocations without an opportunity of knowing what may in the meantime transpire in the correspondence of the Government and in its various relations either foreign or domestic.

The Executive is proud to aver that he has always cherished the most ardent desire to unite in paying to the representatives of the people all the respect to which they are entitled as such. It has always been matter of regret with him that any diversity of opinion should exist, when a cooperation in sentiment and action would be promotive of the public good. But he cannot believe that by a compliance with the preamble and resolution of the Honorable Senate, the public good would be promoted or the character of the nation elevated if it were even disconnected with its preamble which could have had but one object, and that as incompatible with the character of a grave deliberative Body as it is injurious to the Chief magistrate.

Had a firm conviction rested upon the minds of the Senators who voted for the preamble and resolution that the state of facts presented did in truth exist, there would have been a manifest excuse for the proceeding; but, as they are pleased to say, "if any such exist," it would at least have been "courteous" to the Executive and respectful to their own character as Senators to have informed themselves (which could have been done without trouble) whether the facts would have justified such a course. Had any Senator thought proper to make inquiry, it would have afforded the Executive or Secretary of State pleasure to have assured them that no such apprehensions need be entertained, and that no such negotiations were going on nor were any such in contemplation as rumor had spread abroad to the "great excitement" of a few noisy and factious discontents in the land. Had this course been pursued, it might have superseded the ne-

cepity of a covert attack upon the Executive; if it had not afforded an opportunity of setting themselves up as the exclusive champions of the peoples' rights or a pretext for pursuing such a course as might be deemed necessary to degrade the Executive in the eyes of his constituents and sink our national character abroad and embarrass his administration. The President desires that the Honorable Senate, in relation to the subject of the resolution as upon all other subjects, should be assured that he entertains for the feelings and rights of their constituents the most lively concern, and that he will be careful so to demean himself in the discharge of his duties as that their rights shall not be compromitted – nor will he ever consent to the adoption of any policy which in his opinion can prejudice either. If from a lack of judgment he should at any time apprehend prejudice to the country and believe that he could have that judgment corrected by an appeal to the Senate, he will, from the recent manifestation, take much pleasure and derive much confidence from apprising them of the dilemma in which he may be placed, and solicit their advice. Until such an emergency does arise, however, he will feel himself authorised to exercise his appropriate functions under the constitution and hold himself responsible to its provisions and to the opinion of his constituents. The Executive has always acted under the conviction that he was the immediate representative head of the nation. The suffrage which elevated him to his station is as direct as that which elects the members of the Honorable Senate, and he feels that he is directly and immediately connected with the interests of every citizen in the Republic. And as he is chosen by national suffrage and not by local or sectional, he feels that a superadded obligation is devolved upon him; and were he to prove recreant to his trust or adopt for his guide any system which would be calculated to embarrass the action or prejudice the character of a coördinate department of the government, he would feel sensible that he had proved faithless to the trust confided to him by his fellow citizens and that he had incurred the reprehension of all good men. Should he ever be so unfortunate as to incur the suspicion of the just or so unwise as to compromise the interests of his country, he would feel that his abandonment by all good men and his degradation in public esteem were but his just reward. He claims identity only with Texas. It is his home; and with that home are connected the hopes of his family. To countervail this, he can conceive of no inducement that could render him alien to his country. He owes it no malignity of feeling. With its rise, progress and destiny, his actions, his character and his hope, are all inseparably connected. Were he to pursue any course which would impair its honor, or abandon his fidelity to its true interests, he would necessarily stamp his memory with indelible disgrace, and leave his family no heritage but dishonor.

Executive Department,
Washington, December 20th, 1843.

To the Honorable, the Senate:

In compliance with a resolution of your Honorable Body, I herewith transmit a statement from the proper department, in relation to claims for mail transportation in the years 1841 and 1842.

Special Message in relation to claims for mail transport

(Secret.)

Executive Department,
Washington, December 20th, 1843.

To the Honorable, the Senate:

I transmit herewith for the advice and consent of your Honorable Body, the following nominations, viz: Nominations.

James B. Miller, Secretary of the Treasury;
Thomas William Ward, Commissioner of the General Land office;
William Henry Daingerfield, Chargé d'Affaires to the Netherlands;
Pierre Brunet, Consul General of Texas for the Kingdom of France;
Henry H. Fisher, Consul for the city of Bremen;
Maximilien Vanden Bergh, Consul for the city of Antwerp;
Joshua J. Crossweyck, Consul for the port of Rotterdam;
Thomas Crowe, Consul for the port of Dublin, Ireland;
Maly C. Dumon, Consul for the port of Cette, France;
Thomas J. Fettyplace, Consul for the port of Mobile, U.S.;
William Henry Brockett, Vice Consul at New Castle-upon-Tyne;
James H. Cocke, Collector of Customs, for the district of Galveston;
William M. Hurt, Collector of Customs for the district of San Augustine;
Henry Redmond, Collector of Customs for the district of Aranzas;
William C. V. Dashiell, Collector of Customs for the District of Sabine;
Peter Mac Neal, District Attorney for 1st judicial district;
David C. Van Derlip, District Attorney for 2d judicial district;
Niles H. Smith, Notary Public for Jefferson County;
William H. Patterson, Notary Public for Galveston County;
Daniel D. Culp, Notary Public for Harris County;
Moses Park, Notary Public for Washington County;
Simon L. Jones, Notary Public for San Patricio County; and
Mills M. Battle, Notary Public for the County of Fort Bend.

Executive Department,
Washington, December 21, 1843.

To Robert H. Porter, Esq.

Sir — You are respectfully requested and hereby authorised to
letter of request conduct such of the principal chiefs of the various tribes of Indians as may
and instructions be at the Falls, to this place, that they may have an interview with the Presi-
in relation to dent. It is desired particularly to see the Chief recently arrived there from
Indians. the Camanches.

In performing the duties herein assigned you, you will be authorised to furnish the necessary subsistence on the route, which, with such other expenses as may be necessarily incurred, will be refunded to you upon proper vouchers being produced therefor. Should you not find it convenient to perform this service in person, you will please employ some individual for the purpose in whom you have confidence.

I have the honor to be your obt. serv't,

Executive Department,
Washington, December 21, 1843.

To Messrs. Sloat and Sanchez:

Gentlemen — Since your departure, information
Instructions to has reached here that several Indians are at the Falls of the Brazos;
Indian agents. and among them a Kechi chief, who has come in from the Camanches. I have thought it best to endeavor to get him down here, for the purpose of a personal interview and talk; and as he has lately been with the Camanches and will probably return to them again soon, it may be well for you, in case he comes down, to remain at the Falls until he returns and go with him to the prairies.

You will be able to judge what you ought to do under the circumstances, to obtain the readiest and most certain success.

I have the honor to be your obt. serv't,

Executive Department,
Washington, December 21, 1843.

To Sah-had-duck, chief of the Kechies:

My Brother — My ears are always open to the voice of my red brothers. When they speak of peace I hear them. You have brought a talk from the Camanches. I am ready to hear it. I will send by you a talk back to them. It shall be a talk of peace. Talk to Kechies chief

If you wish to come and see me and the chiefs of this nation in council, they are here. The white chief that takes you this talk will show you and your friends the way to my house, or he will send a friend that will bring you in a safe path. Acahquash and other chiefs have been here with us. They know that we are kind to our red brothers. When you come to see us you will find our hearts open. We do not shut our doors against our friends. Blood has been taken out of our path; and when you come to see me you will find the path white. The feet of all good men go in a straight path.

When you shall have come to see me, I will send men with you who will see you safe back to your hunting grounds with talks of friendship to the Camanches and all our red brothers. If the red brothers should wish to come down with you to see me, you may tell them to bring their peltries and trade, if they wish to do so.

Your Brother.

/Secret./

Executive Department,
Washington, December 21, 1843.

To the Honorable, the Senate:

I have the honor to inform your Honorable Body that the action of the two Houses of Congress removing the seal of secresy from the proceedings of their last session, in relation to the disposition of the Navy, will meet with my entire assent and concurrence. Special Message in relation to removal of secresy.

Executive Department,
Washington, December 22d, 1843.

To the honorable the Senate:

In compliance with a resolution of your honorable Special Body, of the 20th instant, I herewith transmit a copy of the resolutions ~~transmitting an~~ of the Bremen Senate touching certain commercial regulations with that Free Hanseatic City.

Executive Department,
Washington, December 23d, 1843.

To the honorable the Senate:

In reply to a resolution of your honorable Body, requesting to be furnished with the result of the election for Major General of the Militia, held on the 4th September last, I have the honor to transmit herewith a tabular statement exhibiting the polls of the several counties, so far as returns have been received at the Department of State.

Executive Department,
Washington, December 23d, 1843.

To Messrs. Lowry & Brothers:

Gentlemen — From information lately received from Leaders in the supplies of various tribes who have come down to trade. It is said they have large amounts of peltries, and some of them specie, which they are anxious to exchange for goods. But there are no goods there, and hence they were in that respect very much disappointed. Major Porter and others say, it is very important that goods should be provided for them — otherwise they will look for a market elsewhere. Now there is a fair opportunity of beginning a profitable business with them; and if it be at all possible, I would advise you to send up at the earliest possible day a supply of the most essential articles of traffic — powder lead, blankets, &c., &c.

For the present you may open your establishment

on the border of the settlements — say at the Falls; and as soon as circumstances will permit, you can place your trading house at some point more convenient to the trade.

Sloat and Sanchez have been gone about a week on their way to see the Camanches, so as to have them at a council in April next.

Among the Indians at the Falls is a chief sent in by the Camanches to learn the true disposition of the whites towards them, &c. I expect him and several other chiefs down at this place by the end of the first week in January. The prospect for a peace is good.

Do not omit to send goods, if practicable. Much may be lost to yourself and the country by not doing so.

I have the honor to be your obt. servt.

Executive Department,
Washington, December 26th, 1843.

To the Honorable, the Senate:

In compliance with a resolution of your Honorable Body, I have the honor to communicate herewith various statements and exhibits, connected with the revenue and condition of the General Postoffice. Special Message in relation to revenues of Postoffice

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Executive Department,
Washington, December 26th, 1843.

To the Honorable the House of Representatives:

In answer to a resolution of your Honorable Body, I herewith transmit a statement of the vote of the several counties of the Republic on the fourth of September last, for Major General of Militia, so far as returns have been made to the Department of State. Special Message transmitting statement of vote for Major General.

Executive Department,
Washington, December 27th, 1843.

To the Honorable, the House of Representatives.

In compliance with a resolution of your Honorable Body, I herewith transmit estimates from the Department of War and Marine:

Special Message transmitting estimates.

1st for the amount required to support the navy at sea for one year;

2d for the amount required to keep the vessels in ordinary for twelve months; and

3d for the amount required, per month, to maintain a watch on board for their preservation in the harbor of Galveston. For this latter purpose the immediate action of the Congress is imperatively necessary.

From the report of the lieutenant commanding the Naval Station at Galveston (an extract from which is herewith sent), it will be seen that, unless the necessary provision is soon made for taking care of our public vessels, they will be abandoned, and in that event must inevitably be lost to the country.

A statement of the condition of the vessels and of the amount required for repairs will be laid before Congress at an early day. The estimates now furnished are made upon the lowest possible scale which could serve any useful purpose.

Executive Department,
Washington, December 28th, 1843.

To the Honorable, the House of Representatives:

In reply to a resolution of your Honorable Body, of the 22d instant, I herewith transmit a copy of the correspondence of the Department of State with the British Charge d'Affaires near this government, in relation to the release of our fellow citizens now, or lately, prisoners in Mexico. This correspondence comprises the information sought by the resolution; and the Executive hopes soon to have it in his power to inform the representatives of the people, that an object so much desired as the liberation of our captive countrymen, has been fully attained.

Special Message transmitting correspondence in relation to release of prisoners in Mexico.

I also send a copy of the proclamation of the Executive, of the 4th September last, tendering to all Mexicans within our limits, who had been at any time captured by the forces of Texas, free passport and safe convoy to the Rio Grande.

As the correspondence now transmitted, has hitherto been made public for the satisfaction of those immediately interested in the measures adopted by the Government for the restoration of the prisoners, the Executive con-

cives it unnecessary to make this communication under injunction of secresy.

Executive Department,
Washington, December 28th, 1843.

To Thomas William Ward, Esquire,
Commissioner of the General Land office.

Sir— It is desirable that you should proceed to the City of Austin with as little delay as possible, and take in charge the archives generally remaining at that place; and particularly the archives pertaining to your office.

Instructions to Com. of Genl Ld. office to proceed to Austin, &c.

So soon as you have obtained possession of them, you will place them in a situation of the greatest safety and preservation; and when you shall have arranged them and are in a condition to issue patents you will report the same to the Executive, who will direct your further action thereon.

You will remain at that point and hold the papers in your possession subject to the future action of the Congress of the Republic.

The importance of the public archives and the condition of the country in reference to the great interests involved, will inculcate upon you as the head of an important department of the government, the punctuality and particularity with which your duties should be discharged; and I take much pleasure in communicating to you that, in addition to the late expression of senatorial confidence, you possess the confidence of the Executive.

I have the honor to be
Your obedient servant,

/Secret./

Executive Department,
Washington, December 29th, 1843.

To the Honorable, the House of Representatives:

Special Message. Naval vessels.

I herewith transmit to your Honorable Body, a note from the Department of War and Marine in reference to the present condition of the navy in relation to naval vessels of the Republic, to which I invite the particular attention of the Congress.

The character of the information now submitted will fully explain the reasons of the Executive for making this communication under the seal of secresy.

Executive Department,
Washington, January 1st, 1844.

To the Honorable, the House of Representatives:

Special Message. Resolutions of the House calling for transcript of the Department of State, with foreign correspondence, &c.

The President regets that the press of business has been such since the receipt of the resolutions of your Honorable Body of the 22d in relation to ultonia, as to preclude him from an earlier response.

This call for information is so general, that it would necessarily embrace a transcript of nearly the entire correspondence of the Department of State. The labor to be performed in accordance with the call, would be impracticable within the probable duration of the present session of Congress. This would be a sufficient answer; but the Executive has other reasons for noncompliance.

The subjects to which the resolutions refer are nearly all pending with the various governments, and a disclosure of any portion of them, might work infinite mischief with the interests of Texas. For this government to give publicity to the correspondence of other nations who have each their peculiar views and interests to advance, would be a betrayal, on the part of this government of good faith towards them, and would, in the opinion of the Executive, be sufficient grounds for any or all of them to withdraw their agents accredited to this government, and break off all correspondence with us as a nation. Such a course on the part of this government would be unexampled in the history of international intercourse, and no possible good could result from it, but every probable evil.

Had a discretion been left with the Executive, as to what he would deem prudent to communicate to Congress, the case would have been different. In all calls for information, it is usual with deliberative bodies to defer something to the judgment and discretion of the Executive, as to what might, by its publication operate either beneficially or prejudicially to the country.

Though the language of the resolution is not in accordance

with this custom, and a very important point is omitted, (that of the Presidents' discretion) he is not nevertheless disposed to make it ground of objection. As none but the President with his cabinet can know and judge of these matters, they are properly referred to him, until such time as they may have become sufficiently matured to be submitted to the constitutional action of the Senate.

By requiring a copy of the correspondence of this government, other nations might suppose that Congress had not confidence in the discretion or judgment of the Executive. The Executive however, entertains no such opinion of the motives of the House, because they could not, intend against him any derogation as an individual, and because any indignity offered to his officiae station, would equally degrade the country and themselves while the chief magistrate might remain unscathed.

Our national character and standing are to be regulated by the official correspondence of its functionaries: while our personal worth must be determined by proper demeanor and moral bearing. Intelligence in the functionaries of government, is the very leaven of national character.

The Executive feels so perfectly assured that the framers of the constitution in depositing the treaty making power with the President and the Senate, left with him the sole power of conducting and controlling our national correspondence, that even apart from necessary policy and wisdom, he could not permit the correspondence with foreign powers to be promulgated. He assures the Honorable House that though he would be happy to afford any information in his power that might enable them to act advisedly in the business of legislation; yet he cannot believe that by attempting to comply with these resolutions, he could afford them the slightest facilities. He has not failed in his annual message to comply with his privilege under the constitution of giving such information and recommending such measures as he deemed it his duty to do. In that communication he presented such matters and in such terms as he conceived he should, and had he believed it subservient to the public interest to divulge the national correspondence, he would have done so without a call; ever ready as he is to aid the Congress in the discharge of its duties, but never willing to wound the country or compromise its interests or honor.

He desires to afford every possible opportunity to the advancement of our national prosperity; and whilst he reserves to himself the unqualified right of witholding from publication all matters of national correspondence, until the negotiations on hand shall have terminated, he nevertheless assures the Honorable House, that if they desire information on the subject of our foreign correspondence, the Honorable Speaker of the House, accompanied by the chairman and members of the Committee on Foreign Relations, will be received at the State Department, at any time when the Head of that Department has leisure, and they can obtain all the information they desire upon any and every subject embraced in the correspondence of the government about which they may think proper to inquire.

This course is suggested by the Executive because there are papers in that Department, the publication of which might operate most prejudicially to this ~~as to every~~ country and greatly disoblige those in correspondence with us; and though their publication may be proper at some future day when our national existence is established upon a firm basis, and the events now passing shall have received the seal of time,

that period has not yet arrived. The Executive is also admonished by a recent publication in newspapers, that communications made to the Honorable Congress, under the seal of secresy are liable to receive publicity without the seal of secresy having been first removed. Hence, he is the more anxious to preserve the interests of the nation from being subject to the great prejudice which perfidy and faithlessness to official injunctions might possibly entail upon them.

Special Message upon relations with France.

Executive Department,
Washington, January 1st, 1844.

To the Honorable, the Senate:

In reply to a resolution of your Honorable Body, requesting copies of all correspondence which may have taken place between this government and that of His Majesty the King of the French, relative to the reestablishment of friendly relations between them, the Executive herewith transmits the copy of a letter addressed by the Department of State to M. de Saligny, Chargé d'Affaires of France. This is the only portion of the correspondence now within the possession of the government.

Special Message transmitting information in relation to Snively's expedition.

Executive Department,
Washington, January 2d, 1844.

To the Honorable, the Senate:

In compliance with a resolution of your Honorable Body, asking for information in relation to the expedition under the command of Colonel Jacob Snively, I have the honor to transmit herewith a copy of the instructions to that officer in February last, and copies of his reports to the Department of War and Marine, explanatory of his proceedings and the unpleasant occurrences immediately connected with the breaking up of the expedition.

When the Senate shall have perused the accompanying papers, the Executive respectfully requests that the same be transmitted to the House of Representatives.

Executive Department,
Washington, January 2d, 1844.

To the Honorable, the Senate:

In compliance with a resolution of your Honorable Body, calling for information, I have the honor to transmit herewith copies of instructions issued to the naval commissioners, and correspondence had between them and the Department of War and Marine; also, copies of correspondence between the commissioners and Post captain E. W. Moore; also, copies of correspondence between the Departments of War and Marine and Postcaptain E. W. Moore; also copies of the correspondence between the Department of War and Marine and Commander J. T. K. Lothrop; also, copies of correspondence between the Department of War and Marine and Lieutenant Charles B. Snow; also, copy of a communication addressed to the Department of War and Marine by Col. James Morgan, while off the coast of Yucatan in May last; together with estimate of funds necessary to keep the vessels of war now in the port of Galveston in ordinary for one year; and copies of the letter of instructions from the Executive to the naval commissioners, and the President's proclamation in relation to the conduct of Postcaptain E. W. Moore.

Special Message transmitting information in relation to naval affairs.

When the Senate shall have perused the accompanying information, the Executive respectfully requests that they cause it to be transmitted to the House of Representatives.

/Secret./

Executive Department,
Washington, January 3d, 1844.

To the Honorable, the Senate:

I herewith transmit a copy of a communication from the Department of War and Marine, recently transmitted to the House of Representatives in relation to the condition of the vessels of war, now in the port of Galveston, &c., &c.

Special Message in relation to naval vessels.

/Secret./

Executive Department,
Washington, January 8., 1844.

To the Honorable, the House of Representatives:

I herewith transmit, in addition to the information herein-
Special Message fore laid before Congress, on the same subject, the accompanying note from the
in relation to the Secretary of War and Marine, enclosing an extract from a recent letter of
condition of the the Commander of the naval station at Galveston. The facts need no
navy. comment — the navy is abandoned!

Executive Department,
Washington, January 8., 1844.

To Col. J. C. Eldredge:

Sir — Your note of the 31st ultimo, tendering your
resignation of resignation, as General Superintendent of Indian Affairs, has been
Gen. Supt. of In- received.
dian Affairs, ac-
cepted

In accepting your resignation, I avail myself of the occas-
ion to offer you assurances of my continued regard and of my best
wishes for your success and prosperity in life.

I have the honor to be your obt. servt.,

/Secret./

Executive Department,
Washington, January 9., 1844.

To the Honorable, the Senate:

I herewith submit, for the consideration and con
Special Message stitutional action of the Honorable, the Senate, the treaty of Peace
submitting treaty and Friendship with various tribes of Indians, concluded and sign-
with Indians. ed at Bird's Fort, on the Trinity river, the 29th day of September,
1843.

It is, perhaps, proper to remark that the commission-
ers found it impracticable to designate in the treaty, the line
as established by law, in consequence of the objections of the In-
dians to any agreement in reference thereto, until all the
tribes interested should be consulted.

The President did not feel himself authorized
to give any instructions to the Commissioners, not in

strict accordance with the law.

Executive Department,
Washington, January 10th, 1844.

To the Honorable, the Senate:

Veto of bill prohibiting further colonization contracts, &c., &c.

The Executive has had under consideration, the bill providing for a "repeal of all laws now in force, authorising the President to form colonization contracts, and to forfeit such as have already been made, where the conditions have not been strictly complied with," and is constrained to return the same to the House in which it originated, without his approval.

The various contracts under the laws intended to be repealed by this bill, were all made with reference to those laws as they stood at the date of the contracts. Those laws contemplate and provide for an extension of time, under certain circumstances, to the contractors. This provision entered into and became one of the governing principles of the contracts; and any law now passed, declaring that "no extension of time or privilege shall be granted to said contractors <u>for the purpose of carrying such contracts into effect</u>," would, in the opinion of the Executive directly impair the obligation of the existing contracts. The contractors have the right to expect a just and strict compliance with the spirit and letter of the laws governing their contracts, on the part of the Government; and to curtail their rights as provided for in the bill, would, the Executive conceives, be not only a violation of the constitution but work great loss and inconvenience to those who have invested capital and expended labor in endeavoring to carry out their respective undertakings in good faith.

In one or two instances, contractors have been prevented from introducing settlers into their colonies, by the express request and direction of the Government, under the apprehension that by so doing the efforts of the Government in bringing about a peace with the Indians would probably be interrupted. Under these circumstances, it would be a glaring violation of good faith to deprive the contractors of the privileges secured to them under the law.

Nothing, certainly, exerts a more detrimental influence upon the prosperity and happiness of a nation than instability in legislation. The contractors for the settlement of our vacant domain, have not, as yet, had time to perfect their respective contracts; and before a fair experiment of the policy of this mode of settling the country is made, it should not be condemned.

The dignity, as well as the interests of the nation requires, as the Executive believes, a strict fulfilment of its pledges. If individuals are not protected in their rights, it will be utterly impossible that any con-

exist; and the consequences must naturally be, languor, indecision and failure in everything wherein the government has any occasion for individual enterprise.

The Executive is assured from many sources, both in Europe and America, that many emigrants are already on their way to the colonies to be settled under existing contracts — many have already arrived, and many more will (unless all faith in the government is destroyed), make our vacant territory their future home. A very powerful and wealthy association at Mayence in Germany, is on the eve of commencing the introduction of a large number of German families into western Texas. By affording a few facilities, and observing a strict regard for the laws, much may be done towards the settlement and protection of that portion of our vacant territory by a population distinguished for its industry and thrift.

Executive Department,
Washington, January 11., 1844.

To the Honorable, the Senate:

Special Message Senate; in answer to their resolution of inquiry of this date, that the sum in relation to the of ten thousand dollars will probably be required for Indian purposes sums required for the current year. In this amount will be included any liabil. for Indian expenditures already incurred which may not be met from the appropria- Mexican purposes tions heretofore made.

It will be necessary to hold one or more council, with the Indians during the present year; and provision must be made for the purchase of the presents usually distributed upon all such occasions, as well as for the pay of commissioners, superintendants, agents, messengers, and other incidental expenses.

The several resolutions of the Senate calling upon the Executive for a statement of the mode in which the funds heretofore appropriated for frontier protection, Indian purposes and the contingencies of the various departments and offices of government have been expended, were immediately, upon their receipt, referred to the auditor. The labor and time necessarily required for the compilation of the information requested, have prevented any report from that officer as yet. As soon as it shall have been made, the Executive will forthwith transmit the same to the Senate.

In answer to the inquiry as to what amount will be required for the pay of commissioners to Mexico, I have the honor to reply, that there is now due to the commissioners one thousand dollars each, which was principally expended by them in fitting themselves out for the service assigned them in a respectable manner. This was supposed, with the advance which they themselves very generously agreed to make for the same

object, to be sufficient for their support until the probable termination of the commission upon the Rio Grande. The propositions from Mexico, concerning the armistice contemplated the appointment on our part of, not one, but two or more commissioners — otherwise, but one would have been appointed.

In addition to the amount due the commissioners, obligations have been incurred for carrying expresses between Galveston and Matamoros, in relation to the armistice and the release of our prisoners, amounting to between three and four hundred dollars; both of which sums are included in the estimate of ten thousand dollars respectfully asked of Congress as an appropriation for intercourse with Mexico. This estimate is intended to include, moreover, whatever may be reasonably required for the efficient conduct of the negotiations, in the event of their removal to the city of Mexico.

The Honorable Senate as well as the Executive are aware that the public interests demand the strictest economy and circumspection in the disbursement of the public moneys; and the Executive will not, of course, expend more for the purposes above indicated than may be absolutely necessary to the attainment of the best practicable results in both Mexican and Indian negotiations.

If the armistice be continued and negotiations progress at the Mexican capital, it may be unnecessary to employ more than one commissioner. In that case the Executive would feel it obligatory upon him to reduce the expenditures to the most indispensable wants of the service, which would probably bring them much within the sum specified as probably requisite.

Executive Department,
Washington, January 13th, 1844.

To the Honorable, the Senate:

In compliance with the resolutions of your Honorable Body, Special Messa requesting information as to the mode in which the appropriations for fron in relation to tier protection, Indian purposes and contingencies of the several departments expenditure and bureaus of the Government have been expended, I have the honor to various appr transmit the report of the Auditor of this date, furnishing the said information.

The Senate will of course take into consideration the depreciation of the currency throughout the whole period embraced in the statements.

Executive Department,
Washington, January 15th., 1844.

To the Honorable, the Senate
and House of Representatives:

Special Message in relation to disabled seamen.

The Executive deems it his duty to lay before Congress the accompanying papers from the Department of War and Marine, in relation to the situation of certain seamen permanently disabled by the Mexicans in May last, off the coast of Yucatan. They are recommended by E. W. Moore, late in command of the Texas navy, to the liberality of the present Congress, as richly deserving of a pension.

Their claims are respectfully submitted for such action as the Honorable Congress may think they merit. Humanity, at least, pleads in their favor. And though they have thus become disabled and dependent by the insubordination of others, and without advantage to the country, must now live upon its bounty, a generous people will nevertheless patiently bear the burthen and extend that relief and support which their unhappy necessities demand.

License to Indian trader. special.

Sam Houston, President of the Republic of Texas, to all to whom these presents shall come: Know ye that Lefe Sutton is hereby authorised and permitted to trade with the Indians who may resort to his trading establishment on the Brazos, in such goods, wares and merchandise as shall not be prohibited by law or the instructions of the Executive, until Messrs. Torrey & Brothers shall establish themselves in said trade, under the license already granted them by this Government.— Mr. Sutton has, also, permission to sell to the Indians such powder and lead as may be necessary to them for killing subsistence.

In testimony whereof, I hereunto set my hand at the town of Washington, the 18th day of January, 1844.

M. D. Miller,
Private Secretary.

Sam Houston, President of the Republic of Texas, to all to whom these presents shall come: Know ye that Jack Ivy is hereby authorised and permitted to trade with such Indians as he may fall in with on his way to the Ca-manches, upon such goods as he may take with him on his contemplated trip — powder and lead excluded.

Special licence to trade with Indians.

In testimony whereof, I hereunto set my hand, at Washington the 18. day of January, 1844.

W.D. Miller,
Private Secretary.

Executive Department,
Washington, January 18., 1844.

To the Honorable, the House of Representatives.

Veto of bill requiring Government to return to Austin.

A bill, "requiring the Executive and Heads of Departments to return to the Seat of Government, has been submitted to the President, and in returning the same without approval, it becomes his duty to assign his reasons therefor.

Although our relations with Mexico and the frontier Indians are at this moment of a peaceful character, yet they have not assumed such stability as to give certainty to our future calculations. We know not how long they will continue as they now are. The existing armistice may be broken off. We should therefore be prepared for its interruption, as well as its continuance. In the event of a renewal of hostilities with Mexico, our arms and munitions of war deposited at Austin, would, from its detached and defenceless position on the frontier, be liable at any time to be captured by a battalion or company of the enemy's cavalry, and our public stores carried away or destroyed by them. Though this, of itself would be a great calamity and place us in serious embarrassment; yet the destruction of our public archives would, if possible, be even a more irreparable injury, and create confusion, distrust and discouragement among our whole population. The evidence of their rights would be destroyed, and the dissatisfaction necessarily consequent upon their losses would greatly retard our national prosperity and advancement.

In times of hostility heretofore, the vicinity of Austin, and even the city itself, with two regular regiments in the field have not been free from Indian incursions; and now, if war should recommence with the Camanches and other Indian tribes we could not but look for scenes equally melancholy and disastrous.

The population attracted to Austin by the disbursement of millions of dollars per annum, could not now be sustained by the comparatively small amount annually disbursed for the support of officers residing at the seat of Government, of only a thirty thousand dollars; and hence no reliance could be p

the defence of the place by the diminished population. From three sides, the enemy could approach it within one mile without the probability of discovery; and its remoteness from the settlements would preclude, in such an event, all hope of succor or pursuit, until the enemy, after destroying the place, should have made good their retreat.

As the Congress has heretofore been informed, the Executive removed from Austin under the emergency contemplated by the constitution — that emergency has not yet ceased to exist; and until such is the case, he deems it expedient to remain with his officers, and the records of the nation under his control, at some place of safety. The distance of Austin, also, from the coast, renders it inaccessible to intelligence from abroad, which, at this period, is of the highest importance to the nation, except after much inconvenience and delay: nor is it believed that foreign ministers accredited to this government would be willing to reside at a point subject to so many inconveniences and hazards, as the city of Austin.

In addition to the foregoing reasons, I will be excused for referring to my convictions that Washington is the constitutional seat of government, and that it was so regarded by the convention at the date of the formation and adoption of the constitution. None other was known or named. That body had been called to and met at this place, and here the constitution was framed and other acts done, recognizing it as the seat of government.

The third section of the general provisions of the constitution, in providing for emergencies, declares that "the President and Heads of Departments shall keep their offices at the seat of government, or unless, in cases of emergency, in time of war, the public interest should require their removal." As no other point or place was known or named as the seat of government, this provision was intended to apply to the government established at Washington; and without such provision, the government could not have removed to any other place and retained a constitutional existence — unless indeed the people had intervened in the exercise of their reserved rights, and given the power of removal. Under the constitutional authority referred to, the President ad interim, with his cabinet, removed to sundry places; and the first Congress was convened by his proclamation at the town of Columbia.

Overlooking the intention of the convention, the town of Houston was subsequently selected by the Congress, as the seat of government until the end of the session of Congress which should assemble in the year one thousand eight hundred and forty. An attempt was also made in 1838, to again remove the seat of government before the expiration of the period fixed by the previous act, which was vetoed by the Executive, for the reason that before any further action should be taken on the subject, it would be proper to have an expression of the will of the people, believing as he did, that the power was nowhere delegated by the constitution to the Congress to fix permanently the seat of government elsewhere than at the town of Washington, otherwise than by some action of the people themselves, to whom that right was reserved by the constitution.

In 1839, however, it was removed by act of Congress, not, as the Executive conceives, in accordance with the rights reserved to the people, but by the appointment of commissioners from the body of the Congress, in direct contravention of the 23d sec-

tion of the first article of the constitution, which declares that no "member of either House shall be eligible to any office which may be created, or the profits of which shall be increased during his term of service. In support of this view of the unconstitutionality of the act removing the seat of government to Austin, your Honorable Body is respectfully referred to a solemn protest made by the late Honorable William H. Wharton, Senator from the county of Brazoria, whose clear judgment and highly cultivated mind, as well as ardent patriotism, induced him to take a decided stand, as he conceived on the side of the constitution. His protest is in the following words:

"William H. Wharton, Senator from the County of Brazoria, in accordance with his constitutional privilege so to do, most solemnly protests against the vote which took place this morning in the Senate, allowing members of Congress to be elected commissioners to locate the seat of government, under the act passed at the present session of Congress. He is satisfied that great corruption and injury will grow out of such a principle. He is moreover satisfied that it is totally subversive of the 23d section, 1st article, of the constitution, which says: "no member of either House shall be eligible to any office which may be created during his term of service." The beauty and wisdom of this section of the constitution need not be commented upon. The framers of that instrument, well knowing the weakness and frailties of mankind, endeavored to make it impossible for members of Congress to create offices for the purpose of legislating themselves into office. The present bill provides that there shall be five commissioners elected to locate the seat of government, with five dollars per diem allowance; and a vote of the Senate today decided that they might be elected from either House of Congress. Might not the same congress have passed a bill, that there should be fifty commissioners with a salary of one thousand or one million dollars per diem, which would embrace all the members of both Houses of Congress; and could anything but a revolution on the part of the people prevent such a law from going into effect? This needs no answer. — For a definition of the word <u>office</u> mentioned in the section of the constitution above quoted, I refer to all compilers of dictionaries from Johnson to Webster; all of whom define the word <u>office</u> to mean a public charge or employment, magistracy, agency, &c., &c. — Now if this post of commissioner to select a site for the seat of government does not imply a public charge, employment, magistracy or agency, then your protestor professes himself ignorant of the English language. In the opinion of your protestor, it is clearly an office, an important office — such as is contemplated by the constitution; and any other construction is, and must be, totally subversive of one, I had almost said the most important provision of that instrument, and will be productive of incalculable injury to the country."

If the position of Senator Wharton was right, the action of Congress in establishing the seat of government at Austin was clearly unconstitutional, and could not invalidate the claims of Washington as the constitutional seat of government, nor give any claim of a constitutional character to any other place.

The opinion of the Executive therefore is, that Austin is unsafe, inconvenient and expensive as a location for the seat of government; that the act of Congress fixing the seat of government there is unconstitutional; that the town of Washington is the only seat of government recognized by the constitution, and that to change and establish it at any other point, can

by the people themselves. If any dissatisfaction exist on the part of Congress with its location at Washington, the Executive conceives the people to be the proper tribunal to which the question should be referred for decision. This can be done, the question put at rest, and harmony restored. And what more equitable mode presents itself of ascertaining the public will in accordance with the constitution. If referred to the people the Executive confidently believes, if they make any change from the town of Washington, they will select some point of safety where the evidences of their rights will be secure, and where their own convenience and that of the government will be subserved in the transaction of the public business.

Executive Department,
Washington, January 18th, 1844.

To the Honorable, the House of Representatives:

Special Message in relation to artillery at Galveston

The Executive deems it his duty to call the attention of Your Honorable Body to the accompanying statement from the Department of War and Marine, in relation to the present condition of the government artillery on the island of Galveston, and to the necessity of making some adequate provision for the repair and equipment of the guns and for the purchase of ammunition. It will be seen that some of the best pieces in possession of the Government at that place have been spiked! This fact needs no comment from the Executive; but enforces the propriety of making necessary provision for guarding and preserving the public property against depredation, injury and destruction, by the internal as well as the foreign enemy. Where men are to be found in any community so depraved and destitute of patriotism, the proper precautions should be used to thwart their nefarious designs. The penalties of treason certainly attach to the commission of such crimes.

Washington, January 18, 1844.

To Messrs. Collins and Rugely,
&c. &c. &c.

Gentlemen — In reply to your note asking certain information in relation to the conduct of the late commander of the navy, I have the honor most respectfully to enclose herewith a statement from the Secretary of War and Marine, in relation thereto, with accompanying papers.

I have the honor to be your obt. servt.,

Note to joint Naval Committee relation to naval affairs.

/Secret./

Executive Department,
Washington, January 20th, 1844.

To the Honorable, the Senate,
and House of Representatives.

Connected with our present condition, our foreign relations are becoming daily more and more interesting; and it seems to me that the representatives of the people should anticipate the events which may in all probability occur.

To suppose that both branches of the Honorable Congress were not aware of the important and absorbing questions which, it is believed, will agitate the Congress of the United States, connected with the fate of this country, would be to doubt their intelligence. The Executive therefore relies upon the deliberative wisdom and decision of the representatives of the people to give him all the aid in their power to conduct the affairs of Texas to such an issue as will be promotive of its interests as a community and at the same time gratifying to the people. Heretofore he has carefully abstained, during his present administration, from the expression of any opinion in reference to the subject of annexation to the United States. And in submitting this communication, he does not think it becoming in him now to express any preference.

It will be perceived by the Honorable Congress, that if any effort were made on the part of this government to effect the object of annexation, which is so desirable, and it should fail in meeting responsive and corresponding action on the part of the United States, it might have a seriously prejudicial influence upon the course which England and France might otherwise be disposed to take in our favor. And a failure on our part, after a decided expression, could not but be mortifying to us and to a great extent diminish our claims to the confidence of other nations. It would create distrust on their part towards us; because the opponents of our interests would allege there was no stability in our purposes, and therefore unsafe in other nations to cultivate very intimate relations with us, or even to maintain those which now so fortunately exist. They might apprehend after the lapse of a few more years, Texas, having

Special Message in relation to Annexation, &c.

creased importance from their friendly aid and good offices, would be induced again, by the agitation of the same question in the United States to apply for admission into the Union, and that by possibility it might be effected. Hence the utmost caution and secresy on our part, as to the true motives of our policy, should be carefully observed.

Were the interest now manifested both in the United States and Texas, in relation to annexation, to pass off, without producing any material change in our national attitude, another object of but secondary importance might be achieved. It appears to the Executive, that the relations which the United States bear to this country, and its important position on the gulf, would not disincline them to a treaty of alliance with us - defensive at least, if not also offensive. If nothing else were effected than a treaty for defense, it would secure to Texas a position that would forever bid defiance to our Mexican enemy. It would be as important to us, in fact, as the recognition of our independence by Mexico.

These measures seem, to the judgment of the Executive, to be vitally connected with the glory, the well-being and stability of the nation; and had he, under this conviction, not communicated the same to Congress, he should have felt himself delinquent in the discharge of an important duty. If they are favorably received by the Honorable Congress and their effectuation desired, it may be necessary, for this purpose, if circumstances daily arising should justify the course, to despatch an additional agent to the government of the United States, to cooperate with our agent now there; and in that event, an appropriation of five thousand dollars would be requisite to meet the necessary expenses. This recommendation does not arise from any distrust of the ability and capacity of Mr. Van Zandt, our present Chargé d'Affaires. His industry, zeal and capacity are evinced by his correspondence with this Government; but the additional weight which a coadjutor would give to our character at that court and the multiplication of facilities for success by the aid which they could mutually render each other from increased opportunities for intelligence and in collecting and comparing information, would doubtless be of the highest importance.

If the Honorable Congress should think well of these suggestions, they will be aware of the propriety of <u>immediate</u> action upon the subject. The Congress of the United States have now been in session some time, and there can be but little doubt, that if they have not already done so, they will soon indicate their disposition and course of policy towards this country.

Believing, as the Executive did at the commencement of the present session, that the subject of annexation was in the best position in which Texas could place it, he did not allude to it in his general message - apprehending that any public action taken either by the Executive or the Congress would only have a tendency to embarrass the subject. Action must now be taken by the United States; and we must now watch and meet their disposition towards us. If we evince too much anxiety, it will be regarded as importunity; and the voice of

supplication seldom commands, in such cases, great respect.

The Executive hopes that the injunctions under which this communication is made, may be so regarded by the Congress, as to prevent the possibility of its publication until the measures sought may be accomplished or the negotiations terminated.

Executive Department,
Washington, January 20, 1844.

To the Honorable, the Senate:

Veto of bill removing Supreme Court to Galveston

The bill "to fix the place for holding the sessions of the Supreme Court," having been presented to the President for his signature, has received mature consideration.

The judicial branch of government in every free country, is of the greatest importance to all its citizens; and in this, the supreme judicial tribunal, is the point to which they resort for the attainment of final justice and the protection of their rights. It is therefore but reasonable to suppose that every facility would be desired by them to enable them, whenever necessary, to give their personal attendance at its sessions, at the least possible expense. If this be true, the more central it is to the body of the population the more eligible its location. In removing it from the city of Austin to Washington, one of the arguments urged in favor of the measure, was the increased convenience which would thereby be afforded, to suitors on account of its more central position. If this was a sound reason for its removal to this point, in the removal now to Galveston, the reason would seem to lose all its force; for Galveston is quite as inconvenient to the people of the country as Austin was; and, indeed, would be attended with greater expense, from its insular position than any other situation which could be selected.

It may be urged that the convenience to judges and lawyers would be greater in Galveston than at Washington, because they would there have access to libraries which are not at this time to be found here. But, in the opinion of the Executive, this should not be regarded as a sound argument. It is the business of professional gentlemen, to prepare and attend to the business of their clients; and if the Supreme Court should remain here permanently, or at any other convenient point, the want of libraries would soon be obviated; because necessity would furnish inducement to provide the necessary means of investigation. It certainly would be more reasonable to suppose, that the use of libraries was contingent upon the location of the Supreme Court than that the location of the Supreme Court should depend upon the location of libraries. One is a ter of individual provision and accomplishment.

is a matter of national convenience and general necessity. —

The government as well as individuals, has rights to be adjudicated in this supreme tribunal, to which it is as necessary as expected that the Attorney General of the Republic should give his attention. He is compelled to reside at the seat of Government, and to attend the sessions of the Court elsewhere in the performance of his official duties, would not only be productive of great inconvenience, but, perhaps, in many cases, serious injury to the important interests involved. During his absence, the government would necessarily be deprived of his advice. At this time, the title to many scores of leagues of valuable land is in dispute, to be decided by the Supreme Court. In the investigation of these causes, to which the government is a party, reference must be made to the records of the General Land office, and perhaps to those of other Departments of the government. The removal of the Court, therefore, would, in this respect, greatly embarrass the course of justice and probably the rights of parties.

Another objection to the approval of the bill, arises from the fact that, in a country like ours, not yet having assumed a fixed and compact character, it is important to give an air of unity to the national institutions, by associating them intimately together in point of locality. No danger can ever spring out of this association, so long as the functions of each coördinate branch are maintained in separate action, according to the provisions of the constitution. But by placing the seat of action of each of these branches remote from each other, instead of establishing in the mind of the citizens one common centre as the depository of of their rights and interests, it weakens the force and influence of them all upon the public mind. It is to be deplored as one of the greatest misfortunes to the country, that with the aid of the constitution and laws, there is but too little disposition manifested to render that respect and allegiance to the government so necessary to the maintenance of order and the promotion of the general prosperity. The less remote the separation in locality of the different departments of government, the greater will be their combined moral influence upon the community and the conduct of every citizen — the fewer distractions will occur, and, at the same time, convenience in administering the public affairs will be increased.

Whatever might be the temporary convenience of a removal of the Supreme Court to Galveston, it would be more than counterveiled by the bad influence which might hereafter be exerted on the country and its legislation. In matters of legislation, as well as in the administration of the laws, it is wise to have recourse but seldom to temporary expedients. In the management of all important affairs, a system should be pursued by which the greatest good may result and the least possible injury. It is to be deplored that diversified and sectional interest should already have had such a malign influence upon our harmony as well as our national character. In the advancement of the General interest, union and harmony are all-important; and whatever is calculated to promote them would seem

to be the true policy to be adopted and pursued. — If this bill were to pass into a law, it would create a new and powerful sectional interest at Galveston; and if, at any future day it should be deemed expedient that the Supreme Court should be again removed, and an attempt made to do so, Galveston would have its adherents as a location, however manifest and important the general interest involved in its removal. During the agitation thus created, other measures affecting the general welfare would be lost sight of in the Legislature and combinations formed for the exchange of influence, having reference to this sectional measure.

Believing, as the Executive does, upon a full consideration of all the circumstances connected with the passage of the bill, that it would subserve the interest of the few and that the many would be seriously prejudiced, and that it would give just cause for complaint, the Executive is constrained to withold his approval.

Executive Department,
Washington, January 22d, 1844.

To the Honorable, the Senate
and House of Representatives.

Special Message in relation to vacant judgeship

I have the honor to inform the Honorable Congress that a vacancy exists in the judgeship of the Fourth judicial district, by the resignation of the Honorable Anderson Hutchinson, which has been received and accepted. This is the only vacancy within the knowledge of the Department.

Executive Department,
Washington, January 22d, 1844.

To the Honorable, the Senate;
and House of Representatives:

Short Special

For reasons satisfactory to the Executive, and such as he thinks will be approved by the citizens generally of the Republic, he deems it his duty, to lay before the Honorable Congress his views and recommendations touching a matter which has hitherto produced considerable interest and excitement.

A law was passed on the first of February

sand eight hundred and forty, authorising the sectionising and sale of that district of territory, commonly denominated the Cherokee country. No appropriation, however, was made at the time for the completion of this design, and all subsequent efforts for this purpose have failed of success.

At the commencement of the present administration, the Executive recommended the placing of the said lands in such a situation as would make the proceeds thereof a guaranty for the redemption of the currency then created. But Congress has thought proper not to take the requisite action for this object, and the lands have consequently remained unavailable up to the present time. It is true that an act was passed on the 23d July, one thousand eight hundred and forty two, authorising the survey and sale, under certain restrictions of four hundred thousand acres. But the President, having no available means at his command, has been unable to carry out the provisions of both these acts.

When the law of one thousand eight hundred and forty was passed, the country in question had but few, if any, inhabitants within its limits. Since that time it has been organised into a county and now contains several hundred occupant families.

At the time this subject was first brought to the attention of Congress, there appeared to be no impediment to the execution of the law, and the friends of the measure confidently believed at that time that the proceeds arising from sales, would amount to many millions, and be sufficient to pay off the national debt then existing. After that time, the national liabilities increased rapidly. The pecuniary pressure, also, in the United States as well as Texas became greater and our lands depreciated in value; and no action being taken to carry out the law, persons migrated and settled within the reserved territory. This emigration and settlement continued to increase with each successive year; so that at the period the last law was passed in reference to it, even had there been within the control of the Executive the pecuniary means for surveying it, he was fully assured a military force would be necessary to give protection to the surveyors. To have done this, would have required means for the support of the troops while in the field, and to have suppressed insurrection would have required laws which did not exist.

Now, since the population has increased to respectability in numbers and the people may think they have acquired a right to the soil by occupancy, it appears to the Executive that the circumstances and reasons which originally induced the enactments of Congress referred to, connected with the difficulties and embarrassments which have arisen since that time, have multiplied the obstacles to the realization of the hopes which the government at one period entertained of rendering the sale of these lands a source of revenue and advantage to the Republic.

Were an attempt now made to survey them, and even prove successful hindrances would, nevertheless, still exist to their advantageous disposition by sale. Individuals would now contend for the rights acquired by occupancy and locations made prior to any action of the Congress. And were the lands now exposed to sale, and personal resistance not made, rights would still be asserted by occupants and those claiming under locations, which would have a strong tendency to greatly depre-

crate their value – if, indeed, they should sell at all. Purchasers would not desire to be involved in litigation, or to become members of a community distracted by schisms, arising from adverse pretensions to title.

But the locality of that section of the country, its fertility, its convenience, the salubrity of its climate and the excellence of its water, will, as they have already, to a great extent, furnish inducements to its immediate settlement, if no longer embarrassed by the existing laws.

From the character of these lands, they would furnish comfortable homes for several thousand families; and the territory lying, as it does, between the Neches and Sabine rivers, and extending to the Cross Timbers would, almost at once, be inhabited by an enterprising, efficient, and thrifty population. Emigrants from the Western portions of the United States would soon ascertain its true condition, the character of its productions, and its many desirable qualities; and emigrate with capital to enable them to acquire and improve it. It would also, give to that section of the frontier, a population which, whenever required, would afford to it the most ready and efficient protection.

Circumstances have changed so materially, since the enactment of the first law on this subject, that there appears to remain no sufficient reason for any longer continuing the harrassing question before the nation. At that day there were few obstacles to an advantageous disposition of those lands; and our pecuniary condition then required assistance and our currency guaranties for its redemption. The payment of our national liabilities has been postponed for the present, and without the additional pledge of the proceeds of these lands for the redemption of our issues, the currency has been raised to par.

Were this subject to remain longer undisposed of, no probable advantage, in the opinion of the Executive would accrue to the country. Our interests are already too much diversified to desire either the increase or continuance of such diversity; and that it would create an influence at no distant day upon the legislation of the country there can be no doubt.

For the advancement of local and sectional interests, we often find combinations formed in legislative bodies; and the experience of other countries teaches us that it is better to relinquish the hope of doubtful gain than subject the country to injurious influences, which only acquire strength from the lapse of time and produce results in legislation, adverse to the general interest. – Where legislative bodies are composed of but few members, as ours are, a small sectional interest can be so managed as to induce and determine legislative action on matters affecting the interests of the whole nation, to a most pernicious extent.

The Executive trusts, that he has not misapprehended the true influence and importance of this subject, nor failed to estimate the general advantages which may result from the course he now recommends: he therefore, has no hesitation in recommending, as he does, to the Honorable Congress, the entire repeal of all laws on the subject of the Cherokee lands, so that that territory may be left in the same situation in which it was previous to any legislation in relation to it.

Executive Department,
Washington, January 22d, 1844.

To the Honorable, the Senate:

In reply to a resolution of your Honorable Body, requesting information touching the number of arms and the quantity of ammunition in possession of the government, &c., &c., the Executive herewith transmits the duplicate of a statement already before Congress, which accompanied the report of the Secretary of War and Marine submitted at the commencement of the present session.

Special Message concerning arms, military stores, &c. on hand.

Executive Department,
Washington, January 25th, 1844.

To the Honorable, the Senate,
and House of Representatives:

The President has the honor to lay before Congress the accompanying report from the commissioner of the General Land office, transmitting, in conformity with an order directing his return to the city of Austin — a copy of which is also herewith furnished. The Executive has no comment to offer upon the subject of the report, and submits it to the consideration of the Congress with a request that it, together with the letter of the President may be published, as they relate to a matter of general interest to the community.

Special Message transmitting report of Com. Gen. Land office, &c.

Executive Department,
Washington, January 26th, 1844.

To Honorable W. E. Jones,
Chairman of Committee on Foreign Relations, &c.

Sir — I have the honor, in reply to your note of the 24th instant, as chairman, &c., to refer you to my message to the Honorable House of Representatives of the 1st instant. The committee on Foreign Relations having availed themselves of the opportunity of examining all the correspondence in the State Department on the subject referred to in your note, it is presumed they are in possession of all the information concerning it which it is in the power of the government to afford. I do not deem it compatible with the public interests at this time

Note to Chairman of Com. on Foreign relations.

to transmit "copies of all correspondence" in relation to the matter, as nothing of a definite character has yet been accomplished. Although the documents required are to be used in secret session, the Executive has reason to apprehend that some use might possibly be made of them not contemplated by the Honorable Congress, as he is informed undue means have been adopted recently by a number of individuals, members of the House of Representatives, to obtain possession of some public correspondence. He alludes to the fact that a call has been made by these individuals upon a representative of a foreign government for copies of correspondence in relation to a particular subject, and not coming within the sphere of his duty to communicate. This act, therefore, furnishes to the Executive a stronger reason to doubt the propriety of communicating correspondence of the government upon subjects of importance, when he knows such extraordinary means are being resorted to to gain possession of it.

It is certain that no knowledge or facts could be furnished to the committee of which they are not already possessed.

I am, most respectfully,

Your obedient serv't.,

Executive Department,
Washington, January 26, 1844.

To the Honorable, the House of Representatives:

The Executive is fully impressed with the importance of a prompt and faithful publication of the laws of Congress at the earliest practicable period; and to this end, as far as may rest upon him, he will see that every facility is given.

Veto of bill for relief of Cruger & Moore.

The joint resolution, however, for the relief of Messrs. Cruger & Moore, presented to him on yesterday for approval, requires of the Department of State the performance of an impossibility, and on that account is returned to the House without signature. It is utterly impossible for that officer to furnish the public printers "with copies of all laws and joint resolutions enacted by the Eighth congress, immediately after the passage" of the resolution in question. The Congress has not yet adjourned, and it is reasonable to suppose that before its adjournment, other laws will be passed; and until they are passed, copies thereof cannot be furnished.

Suppose the joint resolution should pass in its present shape and the public printers not comply with their proposals, the next thing we should hear, would be that the fault was with the government: that they had not been furnished with copies of the laws in accordance with the requirements of this joint resolution, &c., hence the Executive is not disposed to assume responsibilities which the government cannot discharge and thereby lay the ground work of complaint, delay and dissatisfaction.

The Executive avails himself also of this occasion to remark to the House of Representatives that he has been informed upon good authority, that it was not the design of Messrs. Cruger & Moore to print the laws themselves, but to enter into a sub-contract with G. K. Fenlon, Esquire, of the City of Austin, to have the work done there with the view of delivering the laws when printed, not to the Department of State at the Town of Washington, but at the building formerly occupied by that Department in the city of Austin, and in this way to delay and perhaps defeat their distribution among the people. The reception of this information has caused the Executive to look with more caution into the seemingly strange and unusual course thus far pursued by the public printers elect.

The distribution of the laws is all-important in the administration of justice; and were they not locked up at Austin, as the records have been and now are, they might be used in our courts. But if they are not distributed, in many cases, persons wishing them as evidence in court and for other purposes, will have to obtain certified copies at the State Department at some expense and great trouble. To those who live at a distance the inconvenience would be great and inevitable, if this resolution should be approved.

It has heretofore been regarded as the duty of the Secretary of State to contract for the printing and preparing of the laws and journals for distribution – the printing being only a part of the work necessary to be done before distribution. This plan has in many instances, since the origin the origin of the government, been the means of saving saving of expense to the nation. It is therefore recommended as the most advisable course to be observed in future.

Executive Department,
Washington, January 27th, 1844.

To the Honorable, the Senate:

Veto of bill for relief of certain mail contractors.

The Executive is constrained from motives of safety and public policy, to return the bill "requiring the Auditor to audit certain claims of certain accounts therein mentioned," without his approval.

As stated in the bill these claims are for services in transporting the mail in the year 1841; but upon inquiry at the Bureau of the General Postoffice, it appears that no such claims have ever been examined or certified by the proper officer. The Executive therefore conceives it to be a bad precedent to approve these appropriations unless based upon the data usually demanded of other contractors. Indeed, a different course would render the government liable to be defrauded out of large sums of money and to pay the same claim more than once. Nor is it possible to ascertain with certainty, except by reference to the records of the proper office, that a portion of this claim at least has not

already been paid? Even a transcript from the books at Austin could not be satisfactory; for who can tell that those books exhibit all the proper charges against the contractors? They may not have been fully posted up.

There are doubtless numerous other contractors in precisely the same situation, and were this bill to pass, they would with equal justice call upon Congress and the country for similar relief, and if their calls should not be met they would have just reason to complain of partiality. The provision for the payment of these claims in drafts on sheriffs does not make the burthen lighter upon the country. We need every assistance in supporting the currency, and if these drafts should not be issued the taxes which they would pay would be paid in exchequer bills.

It is a matter of serious regret to the Executive that the finances of the nation require that the payment of this as well as many other claims should be postponed until the means of the nation will enable it to liquidate them. Claimants for advances to the amount of millions are importunate for remuneration. The country is unable to meet any of them. Unless our appropriations are curtailed and our resources husbanded, our money now daily depreciating, from the fact of such large appropriations by the present Congress, will presently become worthless.

Executive Department,
Washington, January 27th, 1844.

To the Honorable, the House of Representatives:

In reply to a resolution of the House of Representatives adopted on the 26th instant, relative to any disposition of the Cherokee lands, or any portion thereof, by sale, &c., the President has the pleasure to assure them that no authority by him has ever been given for the sale, hypothecation, or other disposition of any portion of the said territory, except certain authority given to Mr. Alexander Bourgeois (d'Orvanne) in the spring of 1842, which said authority is fully cancelled by noncompliance with its terms; and the Executive reserved to himself in the event of the negotiation of the loan by this gentleman; the right to approve or reject it.

Special Message as to condition of Cherokee lands

Executive Department
Washington January 27th, 1844.

To the Honorable the House of Representatives:

Veto of bill for relief of William G. Cooke.

The Executive regrets to find himself under the necessity of withholding his assent from the bill for the relief of William G. Cooke, late Acting Quartermaster General." The reasons which impel him to do so are, as he conceives, of the most forcible character.

In the first place the government never promised those who should participate in the late campaign to the Rio Grande, anything more than authority to march. Such ammunition and arms as could be furnished, and the spoils acquired from the enemy, according to the laws of civilised warfare. This fact is shown by the accompanying note from the Secretary of War and Marine, (which is intended to form a part of this message), and the published declarations of the Executive himself. In an address to the people of Texas, dated July, 1842, and published in the newspapers of the day, the Executive remarked in reference to the contemplated expedition, that "the government will promise nothing but authority to march, and such supplies of ammunition as may be needful for the campaign. They must look to the valley of the Rio Grande for remuneration. The government will claim no portion of the spoils – they will be divided among the victors. The flag of Texas will accompany the expedition."

From this it will be perceived that the government was guarded against incurring any pecuniary responsibilities on account of the campaign. For this reason they were authorised to cross the Rio Grande, "and make such reprisals upon Mexico as civilised and honorable warfare would justify in the relations then existing with the common enemy." The Executive knew full well at that period, as he does now, that the means of the country could not sustain the expense of the expedition, and hence he based his call to the citizen soldiers of the Republic, upon what he believed to be their patriotic desire and readiness to engage in the undertaking, and because he knew the inability of the country to pay them for their services, he plainly told them they must look "for remuneration to the valley of the Rio Grande".

The Executive also objects to the bill, because of the partiality which it manifests for the relief of one only of those who equipped themselves and left their homes in the service of their country, to the exclusion of all others equally meritorious. If the country is able to pay all these claims, let all be included. If not, then it would seem to be partiality to pay one and not all. It is just that all should be regarded on the same footing, and the claims of no one preferred to those of all the rest. The widows and orphans of the brave and unfortunate decimated have not petitioned Congress for pay or relief.

The Government has already had money to pay for property impressed without authority, by order of the Acting Quarter Master General from the French Consul at Bexar, residing there under the protection of the flag of his nation. This act was made the subject of complaint by the Chargé d'Affaires of the King of the French, to this government; and although

that government has evinced the kindest feelings towards Texas, this outrage was one which could not be passed over by its representative without suitable explanations by the authorities of this country, as well as remuneration to the party injured, for the property taken without the sanction of the Department of War.

The Executive is fully satisfied that the condition of our finances do not justify these appropriations at this time. Many claims of equal merit and of much longer standing have been deferred until we should be able to meet them, and why not this be treated in the same manner, however unpleasant to the government the course may be? Necessity is a hard master, but its dictates must be followed. It is utterly out of the question to think of sustaining the government, if we embarrass the existing currency by these multiplied appropriations for individual relief. To the question of supporting the government or relieving individuals there can be but one answer: that private benefit must give way to the general good.

Executive Department
Washington, January 29th, 1844.

To the Honorable, the House of Representatives:

Veto of bill for relief of Col. J. C. Neill.

Were the Executive not so deeply impressed with the impoverished condition of the government, in regard to its finances, and were he not fully aware of the struggles which must consequently be encountered to preserve its existence, he might then permit his feelings of respect for those who had served the country long and well, and his sympathies for their sufferings to influence his action as the Chief Magistrate of a generous people. But now our circumstances are such as to enforce upon him a course absolutely necessary, as he conceives, for maintaining even the semblance of a government. Were the numerous bills for private relief, which have already been presented to him for approval, to become laws, the aggregate sum appropriated would so much overburthen the financial ability of the nation as to cripple and embarrass its government to a very serious extent.

For these reasons, aside from the want of some very important provisions to enable the officers of the Treasury Department to act advisedly, both as to the object of the appropriation and authority to audit, the Executive is compelled to return the bill "for the relief of Col. J. C. Neill," to the House in which it originated, without his signature.

If, however, the Honorable Congress should not concur in the reasons assigned for withholding his approval from this and other bills for private relief, it will only require the same majority, in both houses, to overrule his negative, that originally passed them, under that provision of the constitution, which declares that "no appropriations shall be made, for private or loc-

poses, unless two thirds of each House concur in such appropriations.

Executive Department,
Washington, January 29th, 1844.

To the Honorable, the House of Representatives:

Veto of bill for relief of Jonathan Bird and others

The bill "for the relief of Jonathan Bird" has received the consideration of the Executive, and for reasons which he deems sufficient, he returns the same to the House without approval.

The total inability of the nation to pay these claims at this time and sustain its government, must be apparent to all who have examined into our present financial condition. There are numerous claims which the country would willingly discharge, were it able to do so, but which must be deferred, from the force of necessity, to some future period. Many other citizens of the Republic have expended their means in erecting forts and block houses for the protection of themselves, their families and neighbors. If therefore the nation is able to supply the relief intended by this bill, others equally entitled should not be overlooked. Partial legislation cannot but be considered a great evil, and in a country struggling with every difficulty, it cannot but be productive of discontent and increased embarrassment.

Executive Department,
Washington, January 29th, 1844.

To the Honorable, the House of Representatives:

Veto of bills for relief of Robert Pace and Sarah N. Hubert.

The Executive is constrained, among other things by the consideration of the inability of the country at this time to meet the various private claims of individuals, to return to the House without signature, a bill "for the relief of Robert Pace", and a bill "for the relief of Mrs. Sarah N. Hubert."

The first does not indicate for what service the relief is intended to be granted; and the latter is open to a serious objection, arising out of the fact that it is impossible to know that the claim now presented for mail transportation has not already, in part at least, been paid by the proper authority. The books of the Postoffice Department at Austin only show charges for money paid on account of the

contract in question, and until the proper scrutiny can be had and the facts ascertained, the Executive conceives it would be setting a bad precedent to allow the claim. Many other contractors stand in the same situation with Mrs. Hubert; and if one can be paid, why not others equally deserving?

Executive Department,
Washington, January 29th, 1844.

To the Honorable, the House of Representatives:

In compliance with a resolution of your Honorable Body of the 27th instant, I herewith transmit all the information which is of record in the Departments in relation to the advances made to the Mier prisoners.

Special Message in relation to advances made to the Mier prisoners.

No appropriation having been made by Congress to meet any contingencies arising from the capture of the Mier prisoners, the Executive did not feel authorised to open any account upon the books of the Auditor.

Owing to these circumstances, the demand of Mr. Hargous was not paid; and for his kindness and generosity it was proper through his agent, to inform him that any delinquency which might exist was not attributable to the authorities of Texas.

Executive Department,
Washington, January 30th, 1844.

To the Honorable, the House of Representatives.

In answer to a resolution of your Honorable Body, calling for information in relation to the commission of the Major General of the Militia elected on the 4th of September last, I have to say: that, in consequence of full returns not having been yet received at the State Department, the Executive has not felt himself authorised to issue the commission. It is within the bounds of possibility, that the receipt of complete returns might change the result; and as the Executive is bound by the law of the 16th January, 1843, to commission "the person receiving the highest number of votes," he could not take upon himself to judge and decide which

Special Message in relation to the election commission Major Genl. of Militia.

persons voted for had actually been elected. If the Executive were left to his own discretion, he would have no hesitancy in commissioning the person who has received the highest number of votes, according to the incomplete returns on file. But not having this discretion under the law, however anxious he may be to issue the commission, he has thus far not considered himself authorised so to do.

This being the case, it would seem proper, and it is recommended to the Honorable Congress to remedy the existing defect, so far as to authorize the President to issue the commission upon such returns as may have come to hand, up to a particular period.

Executive Department,
Washington, January 31st, 1844.

To Sah-sah-roke, Kechi Chief.

Talk to Kechi Chief.

My Brother — You started to hunt the white path of peace — you found it and walked in it amongst white people, until you came to my house. You found the talk which I sent to you, true. You saw the great council of your white brothers; and you know they intend to have peace. As the chief of all this nation, I wish to make peace with all the red brothers. I have spoken to you, and you know what my words are.

The talk which you brought from the Camanches and other red people, is good. My ears were open to hear it, and my heart rejoiced that there was to be no more blood in the path between us.

You will now turn your face to the Camanches and Kiowas and to all the red people. You will take the words of the chief of Texas with you. Their ears will be open and they will listen to what you have to say to them.

You will tell them what I have said about peace, and the words which I have spoken about prisoners. If all ours are brought, they shall have all theirs. In about two and a half moons, I wish the Camanches to meet us in Council at Tahwoccaro Creek. I will expect all the Camanche chiefs to be there, that the tomahawk may there be buried and that no more blood may be shed or mischief done till the grass ceases to grow and the water to run. Their prisoners will all be there to go home with their people, and ours must be there also. Before then I will try and send traders up to the Kechi village.

At the treaty ground there will be corn, tobacco and some powder and lead to give those who are friendly and make peace — for we will never give these things

to those who are our enemies. — You can say to those tribes which wish to make corn, that they may settle down in their villages, and that I will send them hoes and axes; and, when we get the tradinghouses built, that I will send them many other presents. This will not be done to buy peace but to help our friends to make corn and other things for their women and children to eat.

I want you to take this talk in a hurry, that the Camanches, Kiowas, and other red brothers may come to the council at the time spoken of. After the treaty is made, an agent will stay at the trading house near the treaty ground. The agent will send me your talks in writing, and if any mischief is done to your people you will not get mad till you hear from me and I will have the men punished that did wrong. If the young men of your nations do bad, or say that they will not walk in your counsel you must punish them, or it will bring trouble upon your women and children.

You have seen me, and talked with me, and heard my words. You know I will not lie - and therefore keep them in your heart.

Your Brother,

Washington, January 31st, 1844.

To Hayden Edwards, Esq.

Sir — Luis Sanchez has informed me that it will be agreeable to you to carry up immediately a lot of goods to trade with the Indians. He will leave here tomorrow for the Camanches, who are now on the Clear Fork of the Brazos, in company with a Kechi, Joni, and Cherokee Chief, who have been down here for some days past. An old Camanche woman, the half sister of Pah-hah-yuco, the principal chief, is also here, and will go back at the same time.

letter to H. Edwards in relation to Indian trade

The arrangement that Luis advises, in reference to your going up, is this: You are to start immediately from home with your goods, upon the reception of this letter, and you are to go by way of Fort Houston, along the old Camanche trail to the old Tawoccano village, at Tawoccano hill; and in fifteen days from this date, Luis will have some Indians at Tawoccano hill to pilot you up to the Kechi or Joni village; and if you go according to this arrangement, you will meet Luis himself about the Kechi or Joni village.

Luis says, this is the time to trade your goods, and you must not fail to go. He also requests that you send word to his family, and get them to have a letter written to him about their present condition, &c., as he will be anxious to hear particularly from them.

I am, very truly, your obt. servt.,

Executive Department,
Washington, February 1st, 1844.

To the Honorable, the Senate:

Veto of bill for relief of officers of the Navy.

A bill "making an appropriation to pay in part the officers of the Navy," having been submitted to the President, he returns the same, without his approval, together with his reasons therefor.

None can feel a more lively interest for, nor a more ardent desire to see compensation afforded to all those who have rendered the country faithful service, than the Executive; yet he cannot give his sanction to a measure which he conceives is only calculated to deceive and embarrass those for the benefit of whom it was intended.

The bill requires the Auditor to "audit the account of each of the officers of the navy pro rata, according to the amount due to each" &c., to be paid out of the appropriation therein made. To comply with this, would require that the precise amount due to each officer who has rendered service in the Navy since its first establishment should be ascertained before the amount for which any single claim should be audited could be known; which, as must be evident to all, could not be done at present, as it would require an examination of the entire records of the proper departments, to which access cannot at this time be had, to enable the proper officers of government to ascertain the entire amounts paid, and other deductions which may be necessary - and by a neglect of which the public interests might and would, in the opinion of the Executive, materially suffer.

Could these objections to the bill be obviated, no claim could be audited while it contains its present requirements. Of the crew of the Schooner San Antonio, no report has been received at the proper Department since sometime prior to the voyage which resulted so unfortunately in her loss.

To ascertain at present the amount due the officers who were on board that vessel would be impossible. Until this could be accomplished, no claim could be paid, should the bill become a law.

If the revenues of the country were such as to enable the proper Department to control an issue (in addition to other appropriations) of the amount named in the bill, the Executive would esteem it but an act of justice that the honest seaman (whose necessities may be considered at least as urgent as those of the officers) should have afforded him at least some portion of that amount - no provision for which, however, is made in the bill.

Could the amounts due to officers and seamen be paid, or could they be really benefitted by the provisions of this bill, there would be no objection to its passage. Their case is one of great hardship, as is that of every just claimant against the government. But when we reflect that individuals have made cash advances for government amounting to millions, and that we are unable to pay any portion of their debts, or even the interest upon any portion of them, the reason for deferring the payment of smaller debts not based upon better grounds, cannot be censured. It arises solely from the inability of the government to pay them. The present administration, with a diminished revenue, and laboring under the postponement and non-payment of the direct taxes, has been burthened with the payment of many thousand dollars con-

tracted and owing previous to its commencement. Could the navy have been old as provided for by law, some sixty or seventy thousand dollars might have been placed at the disposition of the government for the payment of the claims of both officers and seamen. As it is, however, the government is now wholly unable to do so.

The effects of this measure, should it become a law, are not doubtful. Officers to whom the Government is indebted, learning that an appropriation is made for their payment, will visit the seat of Government, and after days spent in fruitless attempts to obtain funds, will have to leave with all the effects which follow disappointment and the unprofitable expenditure of time and means.

Veto of bill for relief of G. W. Jerrell.

Executive Department,
Washington, February 2d., 1844.

To the Honorable, the House of Representatives:

A "joint resolution for the relief of G. W. Jerrell" has been presented to the Executive for approval, and in returning the same without his signature, he cannot but remark that if any case could form an exception to the rule which he has been compelled to establish; this would seem to be one. This debt against the government accrued to the claimant years ago, whilst a presiding judge of the District Court and under the assurance of the laws that he should be paid in par funds. He has not only given his services to the country without thus far having been remunerated, but in the performance of that service he has expended his means. Since then, as an officer of the Government he has performed important service that might seem to strengthen his claims to the consideration of the Executive. Yet so critical is the condition of our finances and so inseparably is that condition connected with our national existence that the Executive is constrained to disregard every consideration but that of sound policy and the public good.

It is a matter the most painful to the Executive to interpose his negative to the payment of any just claims against the government, and were it within our power to pay them he would feel that his course was subject to reprehension. But when our utter inability to pay our debts at this time is taken into consideration, and when our resources have been for some time past and are now necessarily economised to the very last cent, it must be apparent to every patriot that a continuance of this policy is absolutely requisite to our very existence as a nation. The claims of no individual or set of individuals can be paramount to our national existence. Individuals may suffer worry and endure the pinchings of penury, from the force of necessity; and the hope of ultimate redress, united with industry may buoy them up against present ills; but if, by improvident legislation, we squander our resources, and

want of prudence the machinery of government should become deranged and stop, the evil is universally felt, and not only particular individuals but the whole mass of the community must labor under the general weight and ruin.

To avert these evils, wisdom, discretion and the most rigid economy, all united, are necessary.

Unpleasant as it is for the Executive to dissent from the Honorable Congress, he cannot, however, under the circumstances of the country as they appear to him, no matter how peculiar the case, lend his sanction or approval to any measure which he believes will impair the capabilities of the nation or present hindrances to its prosperity.

Washington, February 2?, 1844.

To Benjamin Strut, Esq.

Sir — From information received from Chism and the Instructing Delawares, it is thought you might not be very safe in going among the Indian agent Camanches and Kiowas, until peace is made, on account of the difficulties between the Kiowas and Society's men, in which you were necessarily a participant. They like you very much, and were it not for this circumstance, would as soon go with you as any other man. You can see and talk with them, and come to some conclusion in your own mind.

If you were to think it best to construct a trading house somewhere near Nolan's river, first going down to Houston and making the necessary arrangements with the Torreys, it might advance your interests more rapidly than any other course you could adopt. If you should conclude on this course, you may still go on as usual until the treaty takes place in April.

I will want Col. Porter to have a house or houses, built at the council ground on Tahwecano Creek, that will hold from three hundred to four hundred bushels of corn. I spoke to him about corn, and he said he would furnish it there in time. I wish you to mention the subject to him, and desire that he would come or have some one down here to come to some agreement about the corn as well as other matters connected with the Indians, previous to the 1st of March.

If you conclude not to go to the Camanches please turn over the articles you have to Luis Sanchez and such as accompany him, with all the information necessary.

The Indians are in great want of goods up there, particularly the Camanches, and it is all important that Mr. Torrey should be ready with his establishment in the spring. If so, he can at once engross the trade and divert it from Red River. This is very important to our Indian relations, and a thing I desire the accomplishment of, if possible.

Luis Sanchez would be very much pleased with you as a companion; but I do think he feels a little ticklish on account of the Kiowa business, and apprehends that you might all be killed.

I intend to keep you in the employ of the Indian Department if possible; and this will not be any breaking off from it. The remarks I have made in relation to your going out at this time are prompted by a spirit of friendship and regard for your safety and welfare; and I do not doubt that you will consider them in the same light.

I am, very truly,

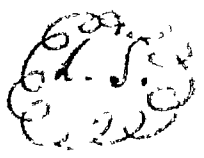
Your most obt. serv't.,

Passport to P. J. Pillans.

Sam Houston, President of the Republic of Texas, to all chiefs, head men, warriors, and others, of all the tribes of Indians, residing within the limits of the Republic; and to all agents, officers and citizens of the same, to whom these presents shall come:

Know ye, that P. J. Pillans, Esquire, the bearer hereof, has been, and is hereby, authorised to go, and remain, within the limits of the territory assigned to, and occupied by, any tribe or tribes of friendly Indians, within the Republic:

And the said P. J. Pillans, Esquire, is hereby specially commended to the friendly consideration of all chiefs, headmen, warriors, and other Indians, in treaty with the whites, and to all officers and agents of the Government as aforesaid, whom he may meet.



In testimony whereof, I hereunto set my hand and affix the Great Seal of the Republic of Texas, at Washington the 3d day of February, 1844.

M. D. Miller,
Private Secretary.

Executive Department,
Washington, February 3d., 1844.

To the Honorable, the House of Representatives:

A bill "for the relief of A. B. Shelby," is herewith returned to your Honorable Body without approval.

Veto of bill for relief of A. B. Shelby.

The reasons already rendered on more than one similar occasion, would be sufficient, as the Executive conceives, against the passage of this bill; but others of an important bearing also, exist. As the Executive understands, a large portion of this demand is based upon a claim for services as presiding judge of the District Court, after the expiration of the term for which he had been elected and after Congress had elected a judge to supply his place. He disregarded the action of that branch of the government and assumed the right to exercise the functions of a judge; the consequence of which was the delay and suspension of judicial business in the District in which he assumed to act.

The Executive is constrained to believe that this demand is well founded neither in law nor equity; for if one man can assume the power of acting in the capacity of an officer, when he has not a legal warrant to do so, and when his functions have constitutionally or legally ceased, every individual in society might contend for the same privilege. And were the government to remunerate contempt of its authority in one instance, it would open the door to endless assumptions, expense and injury.

Certain it is, that bills have been rejected, providing for the payment of demands of longer standing accruing under the undoubted sanction of the law, and the Executive can perceive no reason why this bill should receive his approval.

The occasion should be peculiar and the reasons very strong and urgent, which should induce a departure from a general rule. Neither of which is the case in this instance.

Washington, February 3d., 1844.

To Messrs. Hockley and Williams,
Commissioners, &c., &c., &c.

Letter to Commissioners in Mexico.

Gentlemen, — I have had the pleasure to receive your communications and to peruse with attention their contents. I regret very much that matters had not been consummated, but we cannot have things always as we desire.

I trust that the additional instructions that will be forwarded to you from the War Department will lead to the consummation of your efforts to effect a truce.

If it be possible so to arrange it, as to obtain the

admission of the fifth article, as presented by you, I entertain no doubt but that you will do so, agreeably to the suggestions of the Secretary of War.

I cannot perceive any reasonable motive that the Mexicans could have in passing troops over the Nueces river. The very fact of that concession being made, would be calculated to irritate our people and render the duration of the truce more precarious than it otherwise would be. And as it is the desire of this government to maintain the most perfect good faith in relation to any stipulations that may be entered into, I am anxious to obviate every impediment to the attainment of that object. But if nothing else can be done, and it should be necessary so to do, you will admit the article in question as presented by the Mexican Commissioners, and as communicated by you to this government.

In stipulating for commissioners to go to the city of Mexico, you will embrace <u>one or more</u> commissioners; for it might so happen that the amount appropriated by Congress would not authorise the employment of more than one.

Another subject, which you are aware is of deep concern to the people of this country, is that of the liberation of our prisoners. You will perceive, and the Mexican commissioners ought also, that negotiations for a general peace, under an armistice, would progress much more agreeably if the prisoners were restored to their homes. You know that there are many men in every community who seize upon every pretext for keeping up excitement, which is always unfavorable to the attainment of the ends of peace.

At the present moment there is a better foundation on which to establish friendly relations with Mexico, than has heretofore existed. You are aware, and I presume Mexico is likewise, that influences from abroad are rather calculated to excite a spirit of war in this country than to calm the troubled waters. If our prisoners were restored without further delay, it would to a great extent counteract these influences and produce a desire for reconciliation with Mexico.

So far as the government of Texas was concerned, the Mexican prisoners in Texas were all released. There is not a Mexican held in bondage in the Republic. There are many engaged in voluntary employments, but they cannot be constrained to serve for a single day beyond their own inclination. Several of them are married and settled in this country; and you know very well that we have not the power of disfranchising such as may choose to become citizens. Our constitution guarantees to Mexicans the same rights it does to Anglo-Saxons.

Furthermore: forty odd Mexicans were captured by Snively and received immediate liberty. Mexicans have not only been treated by this government with liberality, and lenity, but when our government was very poor, there were no less than two cartels sent to Matamoros, at considerable expense.

These are facts within your knowledge, gentlemen; and it cannot be supposed that the Mexicans who were prisoners, and placed at liberty, by this government, could now be compelled to leave this country after voluntary domiciliation. My proclamation offering convoy to all such as wished to exercise their liberty in returning to Mexico, was based upon an assurance from the British Chargé d'Affaires that corresponding liber

be given as well as convoy, to all Texians held as prisoners by Mexico. The guaranty of England to this effect, I presume will be verified by the correspondence upon the subject.

It is my earnest desire, as you well know, to see harmony established between the two countries. They have everything desirable to gain by it. By a renewal of hostilities and continuance of war, Mexico might obtain temporary advantage, but ultimately she would ascertain that she had everything to lose and nothing permanent to gain. It would be as reasonable to suppose that the waters of the gulf would slumber unagitated by the winds as to imagine that Texas could be subdued and remain in a state of quiescence.

After years of toil and suffering, and when millions of treasure had been lavished, the power of Mexico would be impaired; while Texas (by the influence of immigration and the attraction which her peculiar situation would present to military enterprise, with feelings embittered by protracted war and its attendant calamities), would be a much less desirable neighbor to Mexico than were we now to establish and cultivate amicable relations between the two countries. I still hope for peace: more for a love of it, and a desire to see communities as well as individuals happy, than from a dread of war.

Congress has adopted a resolution today to adjourn on the 5th instant. I need not attempt to give you the detail of their proceedings.

The revenues of the last year have more than supported the government; and though the President receives very little thanks for it, he will nevertheless endeavor to render the next year equally available to the interests of the country.

There is said to be much excitement in the United States in relation to annexation; and I doubt not that you have seen the United States President's message on the subject of the relations of Texas, Mexico and that government.

You will oblige me by presenting my salutations to Gen. Wöll, and assure him of my high appreciation of him as a soldier and a gentleman; and express a desire on my part that our relations may never be less courteous than when we dined together at Col. Milton's in New Orleans.

I am, gentlemen, with my regards,
Very truly your friend,

Sam Houston, President of the Republic of Texas, to all to whom these presents shall come: Know ye that Warrick, a Tonkawa, adopted into the tribe of Tawoccanoes, has been at Washington, and held a talk in council with me. He is a friend of the whites and has promised to use his best efforts in bringing about a general peace with the Indians. He will go to the Iowa-ash and other tribes, and induce them to come to the great council in April next at Tawoccano Creek and do all things else to establish and preserve peace. He is therefore commended to the kind treatment and hospitality of the people of Texas.

Passport to Tonkawa Indian

In testimony whereof, I hereunto set my hand and affix the Great Seal of the Republic, at Washington, the 3d day of February, 1844.

(L.S.)

M. D. Miller
Private Secretary.

Executive Department,
Washington, February 6th, 1844.

To the Honorable the House of Representatives:

The Executive returns herewith to your Honorable Body, without approval, a bill "for the relief of Jeremiah Tinnon."

Veto of bill for relief of Jeremiah Tinnon.

He has already, on more than one occasion, explained the motives and adduced the reasons which compel him to interpose his negative to the passage of bills for private relief at this period. A candid and dispassionate consideration of the circumstances which now surround the country induces him to pursue this course as one of his most solemn duties. Were the numerous bills for private relief which have been presented to him during the present session of the Honorable Congress, to become laws, it would be entirely impossible for the Treasury Department to comply with their requirements and at the same time support the necessary expenses of the judicial, legislative and Executive branches of government, even upon the most economical and contracted scale. And upon the issue of paying individual claims or sustaining the institutions of the country, the Executive cannot hesitate for a moment to decide.

As a nation, we are yet in our infancy and have many things to do, deemed necessary for our peace, protection and prosperity, which require the use of all the available means which we can command. We have troops to support, fortifications to erect and internal order to preserve. When we are relieved from these burthens — when we are stronger in population and our citizens are better able to taxes, we may consider favorably the claims of

als for relief at the public charge. Until that period arrives, the Executive, as far as he may be called on to act, must in conscience, and in view of the general good, withold his assent from bills of this character.

Executive Department,
Washington, February 5th, 1844

To the Honorable, the House of Representatives:

Special Message transmitting report of Naval Commissrs.

I have the honor to transmit herewith copies of the reports of the late naval commissioners, as called for by a resolution of the House.

/Secret./

Executive Department,
Washington, February 5th, 1844.

To the Honorable, the Senate:

Nominations.

The Executive has the honor to transmit to the Senate the following nominations, viz:

A. A. Merriman,	District Attorney	for 1st	judicial	district;
George W. Brown,	"	" 2d	"	"
Thomas Johnson,	"	" 3d	"	"
John D. Anderson,	"	" 4th	"	"
O. M. Roberts,	"	" 5th	"	"
Peter W. Gray,	"	" 6th	"	"
William C. Young,	"	" 7th	"	"
J. H. Mauldin,	Notary Public	for Harris	County;	
James P. Nash,	"	"	Port of Galveston;	
George L. Martin,	"	"	Liberty County.	

Executive Department,
Washington, February 5th, 1844.

To Maj. R. H. Porter,

Sir — Let Ta-ba-pat-ka, the old Camanche woman who has been down here, have one of the Indian prisoners to take back with her, who, she says, is a son or relative of hers. Your attention will oblige me.

I have the honor to be your obt. servt.,

Letter of request to Maj. Porter relation to Indian prisoner.

Executive Department,
Washington, February 5th, 1844.

To Maj. R. H. Porter,

Sir — Please procure for John Conner, upon the best possible terms, a horse to go with Luis Sanchez to the Camanches, and upon his return he will be taken as a public horse. — In haste.

Truly your friend and servt.,

Letter of request to Maj. Porter make a purc

Washington, 5th February, 1844.

This is to certify that I agree to give to D. G. Watson, and John Conner, each, one hundred and seventy five dollars, to be paid out of the appropriation for Indian purposes; in consideration that they are to accompany Luis Sanchez and Sloat (should he go along) to Pah-hah-yuco's band of Camanches, and induce him, with the chiefs of all his bands, to come to the treaty in April, on Tawoccano Creek.

Certificate of agreement Watson and ner, for Indi services.

Executive Department,
Washington February 5th, 1844.

To the Honorable the House of Representatives.

Veto of bill altering and fixing duties on imports.

The Executive returns to the Body in which it originated, the bill "to alter and fix the duties on imports," without his signature. The provisions of the bill are such, in the estimation of the Executive, as to compel him upon a due consideration of the State of the Republic and the ways and means to be provided for the support of Government, to withold his sanction.

Could we calculate with certainty upon the continuance of peace, and were not means imperiously required to put the country in a proper attitude of defense for any contingency that might arise, the passage of the bill might be admissible. But truth compels me to say that instead of proper preparation for emergencies, we are almost totally destitute of the most important, and I may say, indispensable means, for defending the country against attack.

We have no fortifications upon our sea-board – we have no forts upon our frontier – our arsenals and magazines are empty, our artillery dismounted and out of repair – our vessels of war abandoned, and the most essential machinery of government almost stopped by the manifold obstacles continually presented to its successful action. We have important negotiations on foot, on every side, both in Europe and America, on the successful conduct of which much depends. Our pacific relations with the Indians, also, must be encouraged, completed and confirmed. For all of these purposes, and a great variety of others which the laws have created, means must be provided. No government can be supported without a revenue – no country can be defended without arms and munitions of war – no people can prosper without peace.

These in other countries are considered objects of the first magnitude. To us they are peculiarly so. A solvent currency is indispensable to give force and efficiency to our political organization; and the currency can only be sustained by providing for its redemption. The reduction of the rates of our imposts can have no other tendency than to weaken this support; the consequence of which would be, that general debility would pervade all the ramifications of our political system.

How then are these important objects to be attained and this injury avoided? Experience has conclusively proven that we cannot rely upon even the punctual assessment of the direct taxes – not to speak of their collection. For the last year, out of upwards of forty nine thousand dollars assessed, but little more than thirteen thousand have been paid into the Treasury. It is very evident that the government could not have maintained its existence had it been compelled to rely upon this source alone for support. The receipts from the customs have constituted the very life blood of the government. Without them it must have ceased its functions. To this source we must continue to look – at least until it shall have been made manifest that the people of the Republic prefer to pay the amount requisite for the support of the government, by way

of direct taxes. If the past be any criterion, the conclusion is irresistible that they do not entertain such preference, and this conclusion is strengthened by the reflection that our direct taxes, as now fixed by law, are not more than one third or one fourth as high as they necessarily would have to be, were the government compelled to rely upon them for support. It would, therefore, in the opinion of the Executive, be more prudent, because more safe, first to ascertain that the people will pay the necessary amount of direct taxes for the support of government, before resort is had to the doubtful and hazardous experiment of trusting too much to that source.

It is ascertained that the appropriations of this year will largely exceed those of the last. If, then, the revenue from imposts should be reduced from about twenty four to seventeen per cent. ad valorem (or about thirty thousand dollars in the aggregate), as this bill proposes, whence are we to derive the means of meeting the state of things thus produced? The deficiency in the revenue of thirty thousand dollars will not of course pay the excess in the appropriations; and thus the government would be left inextricably embarrassed by the passage of the bill, to the amount of many thousand dollars.

But it may be urged that the reduction of the tariff will increase importations and thus supply the deficit caused by the proposed reduction. This is doubtful: for importations are always regulated by the importing merchant in the direct ratio of the demand for consumption. But were this even the case, the policy would be questionable at this period of our history. The more we are induced to make out of our means at home, by the cultivation of the soil and the manufacture of its products, the more is secured to the sum of both national and individual wealth. As a people, we may in this way ~~acqu~~ become independent of others, as to many of those articles which, from lack of encouragement at home, are ~~now~~ imported, and on all of which we are compelled to pay the import tax.

When we shall have become populous and firmly established as a nation, and our people shall be willing as well as able to pay a sufficient amount of direct taxes to support the government, the period may have arrived for the passage of this bill, or even to go further and throw open the ports of the country to the commerce of the world. That period, however, has not yet arrived; and as necessity compels us to address ourselves to the best means of sustaining the country under pressing difficulties, the Executive is unwilling to make any change in the existing laws regulating the duties on imports.

The injury which a vacillating policy always inflicts upon the commercial community would, under the passage of this bill, not be light. Those merchants who have, under the sanction of our laws, already imported their merchandise and paid their duties, would be seriously damaged; for they would be reduced by legislative action to an unequal footing with those who might make importations after the reductions contemplated by the proposed bill, the consequence of which would soon be that no merchant would ever import his goods during the fall and winter months, until after the adjournment of Congress, under the apprehension or expectation that the duties would, as a matter of course, be reduced. This is, with the Execut-

very prominent objection to this bill. Something like stability must be observed in order to prevent injury to private interests as well as the public good and the Executive is satisfied that the commercial men of the country as a body would infinitely prefer that the laws regulating imposts should remain as they are to the frequent changes which have heretofore been made, all of which tend, more or less, to destroy every thing like certainty and safety in business transactions.

Executive Department,
Washington, February 6th, 1844.

To the Honorable, the Secretary of State:

Note to Secretary of State.

Sir — The bill returned to this Department, providing "for the election of chief justices of Refugio, Goliad and San Patricio Counties," under writs of election to be issued by the Representatives in Congress of these counties respectively, will be retained.

It may not be improper to state that, upon further consideration of the bill, induced by the remonstrance of actual residents of at least two of the counties named, I am satisfied of the unconstitutionality of that provision which relates to the county of San Patricio. For this county there is already an acting chief justice in commission, (of which the Executive was not aware at the time the bill was sent to your Department,) and any law directing an election to be holden to remove him from office without pursuing the forms of the constitution for that purpose, would of course be in violation of that instrument. This I could not sanction.

Under the constitution also, the President has five days for the consideration of all bills presented to him; and as this was presented to him on the 3d instant, it is yet within his control.

I have the honor to be,
Very respectfully &c., &c., &c.

Executive Department,
Washington, February 7th, 1844.

Appointment Capt. Menchaca.

To all to whom these presents shall come: Know ye, that Captain Antonio Menchaca has been appointed, and is hereby authorised and empowered to collect and convey to this place all Camanche or other Indian prisoners, west of the Colorado river, under the law in such case made and provided: And all good citizens of the Republic are requested to aid and assist the said Captain Antonio Menchaca in the performance of his duty.

Given under my hand and the Great Seal of the Republic at Washington, the 7th day of February, 1844.

L.S.

M.D. Miller,
Private Secretary.

Appointment C. Green, Indian agent.

Sam Houston, President of the Republic of Texas, to all to whom these presents shall come: Know ye, that reposing special trust and full confidence in the integrity, patriotism and capacity of Cambridge Green, esquire, by the authority in me vested by law, I have, and do hereby, appoint him, the said Cambridge Green, Esquire, agent for the Lipan and Tonkawa tribes of Indians, subject to such instructions as may from time to time be given him for the due performance of his duties, and the protection and interests of the said tribes of Indians, as well as to the laws in force for his government.

Given under my hand and the great seal of the Republic, at Washington, the 10th day of February, 1844.

L.S.

M.D. Miller,
Private Secretary.

Executive Department,
Washington, February 10th, 1844.

To Cambridge Green, Esquire,
Agent for Lipans and Tonkawas:

Sir — You will receive herewith your commission or appointment as agent for the Lipan and Tonkawa tribes of Indians, together with a copy of the law regulating intercourse with Indians generally. Under these, and the instructions you will receive from this Department, you will proceed to act.

Instructions to Indian Agent.

It is expected that you will be and remain with both these tribes as much as possible, and superintend all matters connected with their well-being and the peace and safety of the citizens of the Republic. You will see that they commit no depredations of any kind, and with this object you will keep them as far as practicable out of the limits of the settlements. You will restrain them from the use of all intoxicating liquors; and to effect this, the better course will be to permit no person to furnish the same to them.

You will be permitted to trade with them in such articles as they may need and such as may not be prejudicial to their welfare, and you will restrain other persons from trading with them, as in almost all such cases they lose their property without any beneficial return.

You will make frequent reports to the President detailing their numbers, condition, and all circumstances affecting in any important manner either the Indians or Texians.

You will receive as compensation for your services two hundred and fifty dollars per annum.

Executive Department,
Washington, February 14th, 1844.

To Thomas J. Nardeman, Esq.
or Gen. E. Morehouse:

Sir — You are hereby appointed an acting Auditor, for the special purpose of examining the accounts at Austin, contained in the boxes containing the books and papers of the Auditor's office up to March, 1842, and see whether any of the enclosed items have ever been audited for McKinney & Williams, Thomas F. McKinney or any other person for them, as would appear in their accounts, or either of them. If none of the said items should appear as having been audited, you will certify the same on oath to the Auditor at this place.

Appointment of Acting Auditor.

Washington, 15th February, 1844.

To John Torrey, Esq.

My dear Sir — I wrote to Mr. Sloat not to go on to the Comanches, if there was any probability of his meeting the Kiowas, as he and others of Snively's command had a fight with their tribe and killed some of their warriors. They might recognise Mr. Sloat; and the Indian character would require that they should take life for life.

Letter to Indian trader, in relation to supply of goods, &c.

As he did not go on, he will visit Houston and let you know how important for the peace of the frontier as well as your individual interest, it is that you should have goods and a trading house at the present, until after the treaty, when you will be able to make a permanent location, or at least one which will remain for years.

It is to be deplored that you could not have had goods at some point on the Brazos. If you had, it would have been of great service to our cause, and prevented Stroud from trading and using an influence against a treaty and peace with the Indians. His conduct has convinced me that he is a bad man, and has no regard for the interest or safety of his country; but is willing to sacrafice his country to his own cupidity and avarice.

Do be active, and as speedy as possible in your action, that the efforts of Stroud may be rendered fruitless to the injury of the country.

Truly your friend,

Washington 15th February, 1844.

J. B. Shaw, Esq.

Sir — You are hereby appointed acting Secretary of the Treasury during the absence of the Honorable J. B. Miller.

Appointment of Acting Secy of Treas'y

I have the honor to be your obt. servt.,

15th February, 1844.

To J. B. Shaw, Esq.,
Acting Secretary of Treasury.

Instructions to Acting Secretary of Treas'y.

Sir — You will make such arrangements in your Department as will place the Honorable J. P. Henderson in possession of one thousand dollars in good and available funds; and the balance of the appropriation (made in secret session) for secret service you and he can arrange, for the balance of the five thousand dollars.

I have the hona to be your obt. serv't.,

/Secret./

Executive Department,
Washington, February 14th, 1844.

To Washington D. Miller, Esquire:

Appointment of Secretary to Special Mission to Washington City.

Sir — A special secret mission having been by law instituted, for the purpose of more efficiently prosecuting negotiations between the Governments of Texas and the United States, for the annexation of the former to the latter state; and it being found necessary, for the more speedy and convenient action of this Government in the premises, that a secretary to said special mission should be appointed:

Therefore, reposing special trust and full confidence in your patriotism, integrity, and capacity, I have, and do by these presents authorise and appoint you Secretary as aforesaid, for the purposes aforesaid: Hereby giving and investing you with all the rights and privileges thereunto pertaining, under the laws of nations and this Republic.

Given under my hand and private seal, at the place, and on the day and year above mentioned.

Washington, 22d February, 1844.

To Hon. James B. Shaw,
Acting Secretary of the Treasury:

Sir - Upon the letters referred to me, I have the following remarks to make.

Instructions Acting Secy. Treas'y.

The collector at Sabine pass will procure and hoist the Texas flag at the Custom house, thereby giving notice to all vessels that enter that it is a Texian port. If the ordnance and ammunition should have arrived at Sabine from Galveston, and any vessel or vessels should attempt to ascend through said pass without having first communicated their character to the collector, with a manifest of their cargo, or should act with contumacy or deficance to the collector, or attempt to evade the revenue laws of this Republic, he will discharge a cannon so that the ball will strike the water at least fifty yards ahead of the vessel; and should any vessel or craft, after such admonition being given, persist in a disregard of the laws, the collector will forthwith fire into, and, if necessary, sink it.

If we were not to exercise this right on the waters of the Sabine, and ascertain the character of vessels before they penetrate into the interior of our country, the enemy might at any time enter with its fleet or transports and land troops upon our eastern borders.

No vessel will be permitted to receive cotton from Texas or from the Texas shore, and carry off the same, which has not made due report at our customhouse, and paid tonnage duties according to law. It will be the duty of the collector to bring it to, and not permit any vessel to pass crit, unless it has a clearance from some port in the United States.

All vessels which may hereafter enter the Sabine pass, not having a regular and legal clearance on board, no matter of what nation, will be proceeded against by the collector as smugglers, and their cargoes forfeited.

If the collector of the port of Sabine were not authorized to hail and bring to all the vessels passing up the waters thereof, requiring the exhibit of clearance and manifest, not only smuggling could be carried on to a pernicious extent, but even piracy would not be subject to detection; and our bays and harbors might soon give shelter to pirates who are engaged in the African slave trade, or buccaneers who live upon the spoils of the ocean.

The Attorney General is not here, and I have had but little time to look into this subject since it has been referred to me; but I am satisfied of the correctness of every position. My instructions may not be technically accurate; nor is it material if they embrace the main object:

All vessels which may be cleared in U. S. ports or carrying property only of the same, which may show by their papers that it is shipped for ports in the U. States, will, so soon as the exhibit of the papers is made, be permitted to pass unmolested.

I have the honor to be your obt. servt.,

Washington, 2d March, 1844.

To Benjamin Sloat, Esq.

Sir — As the agent of Torrey & Brothers, you have liberty hereby to sell ammunition to friendly Indians, in such quantities as will enable them to kill game to feed their women and children, and prevent their suffering from want and hunger. You will not sell it, only in small quantities of a half pound or a pound to one man; and this rule you will observe under penalty of the law, unless special permission is extended to you by the Government.

License to sell ammunition; and instructions in relation thereto.

Done at Washington, the day and date above written.

Executive Office,
March 2d, 1844.

To William Byrne, Esq.

Sir — You are hereby appointed District Attorney, pro tempore, for the second judicial district.

I have the honor to be, with great respect,
Your obedient servt.,

Appointment of District Atty pro tempore.

Executive Department,
Washington, 2d March, 1844.

To William Byrne, Esq.

Sir — I take pleasure in forwarding, at the instance of George W. Brown, Esq., your appointment as District Attorney pro tempore, for the second judicial district, as the absence of the Attorney General prevents your receiving it in a regular form.

From the representations made by Mr. Brown, I feel confident that you will discharge the duties incumbent upon you with advantage to the country and honor to yourself.

I have the honor to be your obt servt.,

Note to W. Byrne, transmitting appointment

Houston, Texas, 4th April, 1844.

To B. O. Payn, Captain of Ordnance:

Sir — You will issue fifty sabres with twenty muskets complete, and one keg musket cartridges, to Col. Samuel M. Williams and Col. Geo. W. Hockley — they giving bond according to law — the arms to be for the use of Corpus Christi.

Order to Capt. Ordnance to furnish arms &c. Corpus Christi.

You will send a copy of this order to the War and Marine Department.

City of Houston, 6th April, 1844.

To Cols. J. C. Neill and S. M. Williams,
Commissioners, at Tawoccano Creek:

Gentlemen — Being necessarily detained here on Instructions to official business, it will not be in my power to be at the treaty ground so soon as I anticipated. It may be that I cannot reach there during the Indian Commissioners time expected — say the 20th instant. If I should not, you will proceed to make the treaty, as nearly conformable to the draft which I sent to you, as you can. You may vary it in such way as may be needful for the good of the country and the preservation of peace.

If peace is made, you will make such presents to the Camanche and other chiefs of tribes as may be necessary: say, to the Camanches five kegs of powder with a proportion of lead for the powder, and such other articles of paint, domestics, &c., as will amount to five hundred dollars in par funds. To the other tribes in all you will present five hundred dollars, besides the tobacco, hoes, axes, &c., as are especially sent as presents. Messrs. Torreys will furnish you such things as are needed. The powder can be obtained at Major K. H. Tait's where it has been sent.

Present to the chiefs only ten tomahawks, and let them be to the principal ones.

You will give friendly talks to all and say to them that they must come to see me, (I mean the principal chiefs of the Camanches, with Acaquash,) after the treaty, if I cannot go to see them.

If you think proper at any time to send me an express, do so.

Torreys' goods started on yesterday, and will reach there as soon as possible. The strouding has not come, through some mistake; but will be sent on packes so soon as it arrives. It must have stopped in New Orleans, through some mistake.

If the chiefs come down, I wish Col. Williams by all means to come with them as well as Captain P

If there is a probability that the treaty will be delayed, send to me an express, and let me know all.

I have appointed Mr. Waller Winn secretary to the commission, and you will recognize him as such.

I deplore my necessary absence; and if possible I will yet be at the treaty. I send my ring to the commissioners, and those chiefs who know me can tell those who do not, that you are true men and sent by me to make peace.

Tell the chiefs that my words are the words of truth – that I love my red brothers, and that my wish is to save them and make them happy – but not to destroy them. My agents will stay at the trading houses; and always send me the talks of my red brothers, and I will send them mine.

Give to the Camanches twenty spears, after the treaty is made, and say to them, that every year I will make them presents, when the leaves of the trees fall, that they may have them in winter. Their women will have axes to cut wood and make fires in winter, and when the spring comes they will have hoes to make corn for their hunters and their children – the men will have powder and lead to kill game and have meat for their women and children. The Indian can then be happy; but if peace is not made, no powder and lead, nor guns can be had by the hunters, and women and children will be driven away and can make no corn, but will be naked and starving in the cold of winter. Their cries will touch the heart of the men, because they will have nothing to kill buffalo for them to eat.

Tell the chiefs to hear and keep in their hearts my words.

Mr. Winn can tell you my views, not expressed in this communication.

I am your friend,

/Confidential./ Houston, 16th April, 1844.

To Messrs. Van Zandt and Henderson,
&c., &c., &c.

Gentlemen — Your notes have both
ter of instructions
ached me – one of the 30th ultimo and one of the 1st instant.
, to Messrs. Van
To-day I forward to the State Department all my despatches.
and Hender-
Col. Ashbel Smith, our Chargé d'Affaires writes from
n
Paris, under date 29th February, this important fact: "The
French and British governments have united in a protest to the
United States, against the annexation of Texas to the Union."
This is an important fact. Never has the situation of Texas been so inter-

esting, since the 21st of April, '36, as at this moment. You may rely upon it, if the Government of the United States does not act immediately and consummate the work of annexation, Texas is forever lost to them.

In my opinion, England and France will say to Texas: "If you will agree to remain separate forever from the U. States, we will forthwith prevent all further molestation to you from Mexico, and guaranty you independence agreeably to your institutions now established and avowed." You cannot fail to discover what would be the proper course of Texas in such an event. Texas has done all that she could do to obtain annexation, and you may rely upon this fact, in the event of a failure, that Texas will do all that she should do.

If a treaty is made, it will, of course have been done after the pledges given by the United States Chargé d'Affaires were recognised by his government – and then we are secure. If a treaty has been made, and those pledges exacted by you, and it should be rejected, it will be proper to ascertain if annexation cannot take place by Congressional action, and this done promptly. Should all fail, you will forthwith call upon Mr. Pakenham as well as the French minister – also the Government of the United States – and after suitable conversations and explanations, present to them the subject of a triple guaranty for our independence and the prevention of all further molestation, or, at least, an unlimited truce with Mexico. – If after all prospect of annexation failing with the Government of the United States, and it should then refuse to unite upon the basis here laid down, you will then, so far as practicable, arrange the matter with France and England; and Gen. Henderson with Mr. Miller, Secretary of the Secret Legation, will make a visit of leave to the Heads of the proper Departments, and return to Texas. – Texas ought not, cannot, and will not remain in its present situation.

The subject of annexation has already embarrassed our relations with Mexico. The truce will end on the 1st of May, as I presume, for I did not accede to the terms of the continuance of the armistice, as Texas was recognised as a "department of Mexico", in the terms of agreement between the commissioners. Mexico was well disposed to settle matters very amicably when our commissioners arrived at Sabinas; but one of the Mexican commissioners was too unwell to proceed in business. When he recovered, the subject of annexation was mooted in the United States and the Texian Congress – all of which had reached Mexico.

Of these facts, in part, Gen. Henderson was apprised, and the anticipated rupture of our negotiations with Mexico was one reason why I was so careful to require of Gen. Murphy, (endorsed by his government), such pledges as would secure us against all contingencies that might arise to us in consequence of our opening negotiations with the United States, on the subject of annexation. This government has been called upon and requested by Her Majesty's government, to know our relations to the government of the United States. It was due to England, and Her Majesty's government was informed, that our agent, Gen. Henderson, had been sent to Washington City to negotiate upon the subject of annexation, but the particulars were not rendered. Since this occurred, I had an interview with Capt. Elliot, and I do not think that the British government will withdraw its friendly offices from subject of peace between Texas and Mexico.

It is reported here that the Government of the United States has refused to sanction the pledges given by Gen. Murphy. This surely cannot be the case. If so, you will have found yourselves in a most awkward dilemma. What, disavow such pledges when they were based upon Mr. Upshur's letter? I cannot believe this, unless the U. States desired Texas to surrender herself to the uncertainty or chances of annexation, contingent upon the various political influences, which might interpose to the effectuation of the object and subject us to the injurious and annoying action of Mexico, instigated by the adhesion of Texas to the United States. A refusal on the part of that Government to secure us against consequences which it has produced by direct solicitation, to us would be selfish in the extreme; and indeed, I cannot conceive appropriate terms in which to characterise such conduct and policy in an official despatch. It would amount to this only, that if anything could be made out of Texas by the United States they were prepared and willing to derive the advantage; and if that could not be done, they wished to incur no responsibility on account of Texas but leave it to all the consequences which might possibly result to her from the course which her generosity and credulity might induce her to pursue. Pitiable would our situation be if we were not annexed and had required no pledges. Fortunately this is not our situation.

You have now all the grounds before you and I hope you will ponder wisely and securely for our safety. It is a palpable scandal to the 19th century that statesmen should be prating about the emancipation of persons born and their race held in slavery by the custom and consent of nations for centuries, while they permit Santa Anna to forge and rivet chains upon eight millions of people who were born free. Thus will the horrors of slavery be increased with design to render his success subservient to the subversion of the liberties of Texas, and form a new era in history by degrading to slavery a portion of the anglosaxon race. This ought not and cannot be! It argues on the part of statesmen a want of perception as well as self respect.

Gentlemen, you will keep the Government advised by every mail, and daily of important events as they transpire. If you should be thrown for future reliance upon the friendly offices of Great Britain and France, you will, if possible, ascertain from them, if they will act promptly and what conditions they will expect of this Government.

Mr. Van Zandt has written that the United States were not willing to form any alliance with Texas, as it was contrary to their policy. Hence the necessity, upon the failure of the immediate annexation of this country to the confederacy of the north, we will, as I have indicated, approach the Governments of England and France through their ministers.

It is the first duty of statesmen and patriots to ensure the liberty and welbeing of their country. This is now our attitude; and every honest man in Texas will justify and approve that policy which will place us in a situation where our liberties are secured, whether it be by annexation or the establishment of our independence. France and England will act effectively, if we do not permit ourselves to be trifled with and duped by the United States. But of this subject, as your situation may soon call your attention to it, you will be the best judges. A dis-

plomatic agent may eat and sleep enough for health, and may drink generously with the diplomatic agents of other countries, provided he can induce them to take two glasses to his one. Men are fond to be thought knowing as well as wise, and when listened to with attention, frequently impart knowledge at a wine table which they would not dream of in the forenoon of the day! You can instruct yourselves much by the course intimated.

This letter does not cancel former instructions from the Department, but is designed to meet emergencies which may arise, or remedy those which have already arisen.

Having awaited the arrival of your despatches and there not being time to forward them and send a reply from the State Department, I have deemed it proper to write to you directly by the return boat, so that you may be ready in the event of necessity, to take such action as our situation may require and be prepared for contingencies.

I have the honor to be your obt servt.,

City of Houston, 25th April, 1844.

To Robert C. Campbell, Esq.

Sir — To-day a petition was presented to me, soliciting a pardon in the case of Wilson, convicted of larceny, signed by you and other petitioners. Reply to petition for pardon.

The petition does not set forth that the convict was deprived of a fair and impartial trial; nor is it represented that the disclosure of any facts subsequent, has taken place, which, if they had been known at the trial, might, in probability, have produced a different verdict from that which was rendered. If either had been the case, it would have produced reason for Executive action and might have furnished grounds for a pardon.

The situation of the family of the convict is also presented as a ground for pardon. This, as a man, the Executive may both feel and deplore; but, as an officer, he cannot admit as cause to base his action upon. This would be requiring him to regard the individual relations of the culprit more than he had done for himself and family.

In the opinion of the Executive, the finding of a jury and the decision of a court ought not to be reversed on slight grounds or for trivial reasons.

The disgrace which attaches is in the conviction and not in the execution of the sentence. The shame and infamy cannot be cancelled by the Executive, while the record remains. Could Executive clemency restore the individual to a state of innocency, it would be extended to him; but as that cannot be done, it is determined to let the sentence be carried out, that the example may have

fluence, and society see that such offences can be punished. A pardon cannot be granted in this case.

I have the honor to be your obt. servt.,

/Confidential./ Houston, 29th April, 1844.

To Hon. Isaac Van Zandt,
and Gen. J. P. Henderson:

Gentlemen — Last night I received the treaty by letter of instruc. express, and the despatches accompanying it. They were all perused with intense solicitude.

Van Zandt and Henderson.

I read the note of Mr. Van Zandt to Mr. Upshur, dated January last, and the reply of Mr. Calhoun to that note. It does not embrace the guaranty as fully as was contemplated. If annexation should fail for a want of action on the part of the United States, we are without any security against consequences which may result to Texas, in consequence of opening negotiations upon the subject of annexation. Their obligations continue during the pendency of negotiations. If negotiation fails, our file is uncovered — the enemy may charge through our ranks, and we have no reserve to march up to our rescue. It seems to me that after the arrival of Gen. Henderson, a direct application should have been made to the government of the United States in accordance with the agreement between the Secretary of State and Gen. Murphy their fully accredited agent. However, this has not been done. 'Tis well enough. We cannot go back, and therefore we must march forward with decisive steps.

The treaty is well in this respect, that Texas is to become a territory of the United States, if annexed. It cannot be ascertained that we have the ratio of population required to entitle us to be represented in the Congress of the United States, as a state. We have no constitution to present to the government of the United States in conformity with the federal constitution. And I would be extremely sorry, if we have to become a part of the United States, that the sacred principles of that instrument should ever be perverted to expediency; for I maintain that great principles are always in danger of subversion from that licentious and profligate political plea. Statesmen will never call it to their aid. Politicians and demagogues will always carp upon it.

I have felt and yet feel great solicitude for our fate. The crisis to Texas is everything: to the United States, it is worth its Union. My toil has constantly been for the freedom and happiness of mankind; and if we are annexed, I shall hope we have accomplished much; but if, from any cause, we should be rejected, we must redouble our energies; and the accompanying duplicate will express to you decisively what my purposes

are. Texas can become sovereign and independent, founded upon her own incalculable advantages of situation and sustained by European influences; without the slightest compromittal to her nationality. If the present measure of annexation should fail entirely and we are to be thrown back upon our own resources, fix your eye steadily on the salvation of Texas and pursue the course which I have indicated. I again declare to you, every day which passes only convinces me more clearly that it is the last effort at annexation that Texas will ever make; nor do I believe that any solicitation or guaranty from the United States would at any future day induce her to consent to the measure.

The most careful attention will be rendered to the armament proposed by the government of the United States and a direct communication maintained with the representative, Gen. Murphy, with whom I am highly satisfied. This government will be as careful not to permit slight grounds to produce alarm, or call into requisition their forces as though it had to rely upon its own resources to repel an invading enemy.

It is possible that the publications respecting the armistice may have produced some effect in Washington. Therefore, it is fit that you should understand the subject explicitly. In the instructions to our commissioners, they were assured that no agreement would have a binding effect until it was referred to the President and had his approval. That approval never has been given to it, nor has any action been taken in conformity with its stipulations. One reason was all-sufficient to cause its rejection. Referring to Texas as a department of Mexico precluded all possibility of any official transactions under it.

The commissioners were excusable, because by signing they obtained a safe convoy out of the country, which might not have been the case, if they had refused their assent to the conditions. They were both well acquainted with Mexican faith and Mexican perfidy, and would have been unwise to place any confidence in their pledges when interest might have induced their violation.

This despatch is written, because several days would elapse before an express could reach Washington and return. It would at least delay communications a fortnight. Therefore, as the business is important, I do not care about official formality. The substance is what I am now after, and for that reason I write.

I have the honor to be, Gentlemen,

Your very obt. servt.,

City of Houston, May 1st, 1844.

To Maj. Thomas G. Western,
Superintendant Indian Affairs:

Sir — I have the pleasure to acknowledge the receipt of your official note of the 25th ultimo. I am gratified at its contents. The disposition of the Indians in their locality, at this time, is such that I cannot expect a general meeting until September next. By the last of that month may be the best time for a council to meet at Tawoccana creek. You will give notice to this effect, and I will there make them presents. I will expect to see the Camanches. It is difficult for them to understand when an appointment is made for a council. You will, therefore, direct them to come at the first change of the leaves from green to yellow. The buffalo too, will be convenient and abundant at that season. The commissioners will be directed what presents to make, and to remain no longer at present, but to return. Col. Williams I will desire to remain at the trading house, if he can do so, as an agent; and with the additional salary of an interpreter, which will be in all seven hundred and fifty dollars per annum. This will be some recompense for leaving and remaining absent from his family. You will be stationed at that point, after you have come to Washington and possessed the Executive of your general as well as special intelligence, in relation to your duties.

Instructions vs. to Supt. Indian Affairs.

Our relations may soon be changed from a sovereignty to the integral part of sovereignty. If this should be the case, I wish to be able to render such an account of my stewardship as will neither cause my friends to blush for me, nor to leave my country anything to deplore.

The supply of corn to which you alluded, was intended to answer the purposes of the council; and you will issue it in such quantities as will enable it to hold out. A show of liberality is gratifying to an Indian; but they would rather realise its benefits. If beeves have to be obtained, propose to purchase them at fair prices on government account. If that cannot be done, you will direct such number to be procured from Mr. Ethan Stroud as will be necessary. If he should refuse to let you have them, you will have them taken by impressment, then valued, and used for the government. You will see that all the issues are made with care, and in such manner as the necessities of the Indians require.

I will require of you an invoice of all the presents purchased; and you will render a strict account of the manner of their distribution the names of the chiefs to whom issued, with a list of articles presented to each chief, with their value, as well as the presents which have been forwarded to you for distribution.

I desire much, if it is convenient, that Acaquash should come down with you, and some two or three other chiefs — such as you may think proper. I should

like much to see José Maria. — You must see that good care is taken of Luis Sanchez, and that he is furnished with everything that he may want, or that you may think needful. Bring no more down with you than are necessary, for it incurs considerable expense and trouble to us. The amount expended in bearing their expenses to Washington, had better be given them in presents at the trading house.

I am much gratified that Mr. Sloat has succeeded so well; and desire that you will express to him my high approbation of his conduct.

You will compare the intelligence which I send you, with that of the commissioners, and after conferring with them, and making the presents to the Indians, you will assure them that it is my intention to meet them at Tawoccano Creek on the last of September next. I will then expect confidently to meet the Camanche chiefs, with my other red brothers, and make a lasting peace under the eye of the Great Spirit, and make to them such presents as will be proper and agreeable.

I expect that Gov. Butler will be there in September. If it should be the desire of Luis Sanchez, you will bring him down with you. If it is not necessary to send to the Camanches until I can see you and the commissioners, I will prepare and send a talk in answer to the one which I have received.

You will permit as many prisoners to return to their people at this time, as may desire to do so. Those that remain you will make such disposition of, as will incur the least expense to the government, and left where they will be treated with humanity. Their labor is worth more than their support, with the exception of two or three children. You will keep an eye to this matter; and render to me a strict account of all the expenditures incident to the treaty, and other matters.

I have the honor to be your obt. serv.,

City of Houston, May 1st, 1844.

To Col. J. C. Neill,
and Col. Leonard H. Williams,
Commissioners of the Indian treaty:

Gentlemen — Your communication has been received, and I reply to it with pleasure. I regret much that the Camanches have not arrived. From the information given by you, it appears that it will not be possible for them to attend before the last of September. You will therefore communicate to them, that they will come at the first change of the leaves from green to yellow, when, if the Great Spirit is willing, I will meet them at Tawoccano Creek.

Instructions &c. to Indian commissioners.

The great rains have kept me from attending the council ground at this time. Let this word be sent by Col. Leonard H. Williams to the Camanches; and he can tell them the number of moons and days, that will nap by until I expect them. If he cannot go to them; and Luis Sanchez should not be able to go, you will counsel with the Superintendant, Major Western, and Mr. Sloat, agent, and determine upon some man to send, who will take my words to the Camanches.

I am much pleased with the talk that their chief sent me.

I regret much that Luis Sanchez has been indisposed, because he is a good man, and greatly useful to the object of peace. If he is able to return to the Camanches, he will be the best man to send.

On the subject of the presents, which are to be made to the Indians, I would remark that presents not exceeding one hundred (100) dollars to each tribe at the treaty, in proportion to their necessities, will be made of goods which will be procured from Mr. Torrey, and delivered to the principal chiefs of each tribe, and will be made in addition to the presents which I have already directed. It will be recollected that those I have directed are composed of tin ware, some tomahawks, spears, cooking utensils, ammunition for killing game, tobacco, hoes, axes, &c., &c. These are not to be included in the amounts to be given to the head chiefs of each tribe. Care ought to be observed in the distribution of presents, according to the necessities of the different bands, and every possible means used in furnishing them with seed corn, and such vegetables as will be beneficial to the support of their women and children.

I have not my former instructions before me at this time; and if more ammunition is necessary for the killing of game for the subsistence of the women and children than has been allowed, you will direct Acaquash, with some two or three other chiefs, to come down with Col. Neill, and the persons who return with him from the treaty, to see me. I will then make such arrangements as will procure abundance for their women and children. If it is necessary for Acaquash

come down. I wish Col. Williams to come down as an interpreter. If it should not be necessary for him to go to the Camanches immediately. You will be informed that some Wacoes have been killed out in the neighborhood of the Colorado, charged with having stolen horses. They were pursued and killed, and the horses taken from them. If this is true, I am very sorry for it. Let Acaquash be informed that if this is true, not to make war upon our people until he has seen me, and we have counselled together, and if it is wrong I will satisfy him and his people. We have bad men amongst the white, and there are bad men among the Indians; and chiefs must not let them bring trouble upon the women and children.

It will be best that Acaquash should come to see me. He is an honest man and a true friend; and deserves presents from this government. He will make the bad men of the forest behave themselves.

After you have told Acaquash about the killing of the Wacoes on the Colorado, you will tell him that I wish him to make his people give up the horses which those ran off with that were not killed, and that will make things straight with the white. A description of the horses is sent to Major Western in a letter.

The commissioners will observe that when two or three Indians of a tribe have come to the treaty, that they are not to receive the proportion of presents to the value of one hundred dollars, which the Chiefs actually representing a tribe or nation would do. We must regulate the magnitude and importance of a present by the advantage which will accrue to our country by making it. — So soon as the Camanches can be seen, the line will be run, and we will have it pointed out in such a way that there will be no dissatisfaction between the white, and the Indians. On the East side of the Brazos, the line will be considered as running between the upper and lower crofs Timbers, until it can be marked. Until peace is made, it will be best for no Indians to come below that line, unless they come down by Mr. Torreys trading house, and get from the Superintendent, or Mr. Sloat, agent, letters to come down into the settlements to hunt or trade. Y.

You will give out this talk to the Indians, If it is not listened to, it may bring trouble.

When the line is run, I want a chief of each tribe to go with the men who mark it.

When the leaves fall and I meet all the chiefs in council, I will have medals and such presents for my brother chiefs, as they will be happy to receive.

Tell them all to keep blood out of our path, and to let no horses be stolen. Tell them this year to raise corn, anywhere they please above the trading house on the Brazos — on Nolan's river, or at the Clear Fork, or any of their old villages. They shall not be disturbed at their camp fires by good men, or by those who obey my orders. and if bad men go to them to disturb their women and children, they must treat them as enemies. If good

go to them, they will meet them as brothers and must feed them. If they are lost, they must point to them the road that will lead them to their homes, and see that they are not injured.

If the fifteen or twenty chiefs spoken of by the Superintendent, who speak of visiting the Ionies, during the roasting ear season, and proceed from thence to Washington to see the President, should come down, I will be happy to see them; and Mr. Sloat, the agent, will give them a safe and trusty guide, or accompany them himself.

I will instruct the superintendent about meat for the Indians, and the distribution of corn.

I have the honor, gentlemen,
to be your most obt. servt.,

City of Houston, 2d. May, 1844.

To Acaquash:

Talk to Waco chief.

My Brother — I was happy to hear from you. My heart swelled with pleasure. I remembered that we were friends, and that the path between us was white.

I was sorry that the Camanches did not come down to the treaty; but I expect them when the leaves turn yellow.

In four moons I will expect some chiefs — when green corn is to be eaten.

If you can come down with the commissioners, I will wish you to do so, and bring José Maria with you.

Lately, I have heard that bad men have been down from some of the tribes of our brothers. They stole horses and two of them were killed. Some of the horses were taken by the whites, and the others they run off with. These I want you to have given up, that there may be no trouble. The men killed were supposed to be Wacoes. It was wrong for them to come down into the settlements until a treaty was made with all our red brothers, and without a paper from the agent, Mr. Sloat.

When my red brothers wish to come into the settlements to hunt or see me, they will call upon him or Major Western, if he is at the trading house; and if it is proper, either of them will give a paper, showing that it is a visit of friendship and not to steal horses, or to do any mischief. Then our people will be glad to see them.

When you come down to see me, we will send away all trouble; and if the whites have done wrong, they shall be punished, as bad men should be.

You will embrace your red brothers for me

When you come to see me, my heart will be open to receive you and José Maria.

Your Brother,

/Confidential./ City of Houston, May 17th, 1844.

To the Hon. Isaac Van Zandt,
and J. P. Henderson,
&c, &c., &c.

Letter of instructions, &c., to Messrs Van Zandt and Henderson.

Gentlemen — Intelligence which your last communication's brought to me seems adverse to the calculations which were made when Gen. Henderson was accredited to the United States. — If truly that government is not disposed to consummate the plan of annexation, it would seem useless for him longer to remain at the Court of Washington.

Whatever the desires of this government or the people are or might have been, in relation to annexation, I am satisfied they are not ambitious at this time, nor will ever be again to be seen in the attitude of a bone of contention, to be worried or gnawed by the influence of conflicting politicians.

The views of the Executive of this country as well as its citizens were fairly presented in a willingness to become annexed to the United States. And though the advantages presented to the United States were incalculably greater than those resulting to Texas, she was willing to stand the hazard of the adventure.

The statesmen of that country appear to be united in opinion adverse to our admission into the Union of the North. We must therefore regard ourselves as a nation <u>to remain forever separate</u>. It would be unpleasant for us to enter into a community as a member, where we should be regarded ungraciously by either of the political parties. Texas, alone, can well be sustained, and no matter what sincere desire we may have entertained for a connection with that government, and the affectionate enthusiasm that has existed in this towards it, we will be compelled to reconcile ourselves to our present condition, or to assume such attitude towards other countries as will certainly look to our independence. This can be accomplished, if the United States carry out the pledges which they have already given. The compromittal of our national honor I cannot apprehend; nor would I entertain any proposition which could be adverse to our character as an independent nation — but Texas can now command interests which will require no such sacrafice. We must act.

You, gentlemen, will be advised by the former communications from this government, and act in accordance with them. It would seem, from the complexion of ma-

Washington, that Gen. Henderson's remaining there longer would be unnecessary. As indicated in my last communication, negotiations can be very well conducted at this government — not designing to cast any reflections upon the Representatives of this government at Washington, in whom the Executive has the highest confidence. Moments of leisure could be employed here, and even hours and days commanded, which is not permitted when urgent despatches arrive. The locality of our seat of government is such that the Executive has had to substitute himself in correspondence for the Secretary of State, and dispense with the services of that valuable officer, for the sake of despatch. Tomorrow I intend to leave here for the seat of government.

Gen. Henderson will, previous to leaving Washington City, in company with Mr. Van Zandt, who will remain at that Court, wait upon the Executive, Mr. Tyler, and assure him that this government, relying upon the pledges given by that Government will confidently expect that no molestation to Texas by Mexico will be permitted, or the aids already ordered withdrawn, without the consent of this government.

The measure of annexation having been taken up at the instance of the United States, ought to secure Texas and fortify her, by the United States, against all inconvenience arising from opening negotiations upon that subject. The treaty having been signed and submitted to the Senate is all that can be performed on the part of Texas. Further solicitations on her part would present her as an object of commiseration to the civilised world. If the embarrassments of our condition have presented us in a humiliating posture, and we have to brook mortification, it furnishes no excuse to us for voluntary degradation. Therefore it is that my purpose is fixed in relation to the subject of which I have treated.

The desires of the people of Texas, with my love of repose (this far I am selfish) had determined me in favor of annexation. My judgment, though rendered subservient to their inclinations and my own, has never fully ratified the course adopted. Yet in all good faith I have lent and afforded every aid to its consummation.

I have the honor to be, Gentlemen,

your most obt. servt.,

Executive Department,
Washington, 24th May, 1844.

To Col. L. H. Williams:

Sir — You are hereby authorised and empowered to collect and receive all public property of whatever kind — horses, mules, cattle, arms, &c., that may come within your knowledge as belonging to the Government.

You will receipt for the same and hold it subject to the orders of the Government — you being held responsible for the same.

I have the honor to be your obt. sert.,

Letter of auth. to collect pub. property.

Washington, 25th May, 1844.

I agree to give Jesse Chisholm two hundred and fifty dollars in specie, for four months services with L. H. Williams, out of the appropriation for Indian horses.

Certificate of agreement with Jesse Chisholm

Washington, 1st June, 1844.

To Col. Leonard H. Williams.

Sir — I take pleasure in informing you that I have instructed John Conner to cooperate with you in the objects of your mission; and that he will meet you at Red Bear's village in roasting ear time. He will be subject to your command, as his papers import. — You will act as you think best, by sending in advance an express to Washington, notifying me whether you conclude to bring in the Indians at that time, or after the council in September next.

I am, very truly, your friend and obt. sert.,

Instructions Indian agen

Instructions to Indian agent, &c.

John Conner is authorized to go to the Kechi village and unite with Col. Leonard H. Williams, to bring in the Camanches. The President has great confidence in John Conner, and therefore confides to him, subject to the orders of Col. Williams, this trust:

They will, if possible, bring the Indians to this point, if they think it advisable in promoting the object of peace. In the month of September I expect the Camanches to meet with the other friendly chiefs at Tawoccano creek, where a great council is to be held and presents made. — I desire all chiefs friendly to Texas to esteem this paper and to pay due respect to him who bears it.

Given at Washington, this 1st day of June, A. D. 1844.

Trinity River, Liberty County, June 25, 1844.

To Maj. Thomas G. Western,
&c., &c., &c.:

Instructions to Supt. Indian affairs.

Sir — I have the honor to acknowledge the receipt of your letter by yesterday's express; and so far as your statement goes in relation to Col. Jack C. Hays, in his rencontre with the Indians (whatever tribe they may be) I find everything to approve and nothing to condemn.

This is now the ninth day that I have been prostrate with fever. I am, at this moment, relieved of it; and I hope it will not again recur. My attack has been very violent; and I fear it will be several days before I recover my strength.

Intelligence has reached me that several hunting parties of Indians are engaged in hunting below the line, and several within the settlements; and, as you are apprised, without any authority from the government or its agents. It is improper that such a course of conduct should be tolerated in them, unless in conformity with the law regulating intercourse. You are aware that they have been admonished on the subject; and this disregard of duty on their part requires that prompt measures should now be taken with them. Their mingling among the whites without authority, or coming below the lower Cross Timbers, in parties, unless conducted by some white man, with authority from the agent, as well as trading with the whites contrary to law, are circumstances well calculated to destroy that peace and harmony which we are so anxious to establish.

Jim Ned, as well as other leaders of hunting and trading parties, who are acting in violation of law, by coming below the line, claim to have their residence within the United States. But whilst they remain in Texas

they must be submissive to the laws of Texas, regulating the intercourse of the Indians and the whites. If they do not regard the orders of this government, the President of Texas has the right to call on the dragoons of the United States and require of them to remove such Indians as are disobedient to our laws back to the limits of the United States, that they may no longer continue to disturb the peace and quiet of our frontiers. I wish to treat all Indians with kindness; but if they remain within our limits they must respect the authorities of the country.

By Indians hunting and trading below the line without authority, they are liable in their intercourse to obtain intoxicating liquors, which will lead not only to imposition upon the Indians, but to quarrelling and violence; and, in all human probability, to killing — and defeat all the efforts which have been made for the establishment of peace. The Indians will be liable, also, to have their horses stolen by bad white men; whereas, if they were to remain above the line, it would not be the case. If they were to remain above the line, a white man would have no excuse for stealing their horses, and would be punished; but by coming below the line they break the law themselves and lose all claim to its protection. If men do not respect the law, they can not expect the law to protect them or to stand by them in the time of trouble.

I heard threats of violent men before I left Washington, against the Indians, if they came into the settlements hunting, or in any other way, without authority.

I do not like to be troubled in this way; and if men will only behave themselves and obey the law, it will keep trouble out of my way. I can keep bad white men from crossing the Indian line so long as the Indians will stay within their country; but if the Indians will break the law by coming over the line, and will not keep their promises, white men will know it, and they will not hesitate to violate the law in the same way.

To remedy the present evil and to silence the complaints which are made to me against the Indians, I have to direct that you will forthwith proceed to the several parties or communicate to them with certainty, that they will retire above the line and report to the agent at the trading house, that he may have it in his power to report through you to the President that they have done so, and this will relieve the President from hearing the complaints which are now made to him, and he will then have it in his power to say, when complaints are made to him, that the Indians have obeyed the law by going back within their boundary, and will not again violate the law. This will put a stop to all complaints, and make things quiet as they ought to be. If this is not done, you may inform them that I will take such measures as will put a stop to trouble.

If the Delawares will follow the counsel of their chief St. Louis and listen to the words of the treaty which he has signed, it will save me a great deal of trouble as well as my red brothers. If they do not listen to them, I will have to take a course that will put a stop to all evils.

I would suggest to you that it will be proper to apprise Hoat of the conduct of Camanches near [illegible] that he may endeavor to have as many [illegible]

as possible about the tradinghouse and be on his guard; for it is possible that a lawless band of them may seek satisfaction for the chastisement which they so deservedly received from Col. Hays in their late engagement, and that in all probability would be the point of attack. It would be prudent for him to keep out spies, so that he would be apprised of any meditated attack; and if he has not a piece of artillery there, it would be well for him to procure one immediately and have it in readiness for use. You will urge upon him the necessity of constant reports to the bureau and that his duty in that respect will not be dispensed with.

In executing this order, in relation to the encampment of the hunting parties below the line, you will carry with you the law regulating intercourse, and the copy of the treaty of '43 and have them communicated to the several captains, and explained to them.— I would suggest that you obtain the companionship of Major Chandler, or some other efficient man. If it should be out of your power to go, and you can obtain his services, I desire that you should send him, and I will compensate him. If that cannot be done, I would suggest Mr. Walter Winn, who can take some person with him; and let who will go, I hope they will omit nothing to have the Indians removed within their boundary immediately.

I will rely upon you for the prompt execution of this order; and to communicate, or have communicated immediately, and fully the contents of this letter to the Indians generally, as well as to Mr. Sloat, the agent.

You will further let it be understood by the Indians that no presents will be distributed at the council to any tribe or company that do not respect the law and the orders of the President. And if it becomes necessary to enforce the law that has been disregarded by the Indians, troops will be sent up and stationed upon the frontier, which I am sure will not increase the happiness of the Indians; and no friend to the red people would wish to see such a thing.— Such a thing can only become necessary from the conduct of bad men, who will not obey the law.

You will perceive from this letter, that I have had to engage Mrs. H. as amanuensis— being myself unable to write. I will endeavor to get to Washington as soon as practicable. In the mean time, I shall rest confident that the objects of this communication will be carried out to the full extent.

I have the honor to be your obt. servt.,

Executive Department,
Washington, July 29th, 1844.

To T. G. Western, Esq.
&c., &c., &c.

Instructions to Supt. Ind. Affairs.

Sir — I was gratified to receive your communication of the 26th instant.

The intelligence given by Jim Shaw accords pretty much with my general opinion. There will be some stragglers from those tribes, who have made peace with us, and seek to involve their nations in trouble and war, We find the same spirit among some of our own people, and must guard against the same thing among the savages.

Inasmuch as Conner has been detained, Jim Shaw can now accompany him to the Camanches. You will so advise them.

Let the Camanches come in if they wish peace, by the 15th of September, to Tawoccano Creek..

Assure Conner and Shaw if there is a final peace made with the Camanches I will make them a handsome recompense.

I have been informed since my return, within two days past, that many of the Shawnee and Delaware Indians are in the neighborhood of Fanthorp's with their peltries.

You will do all in your power to induce Stout to secure the association of a sufficient number of friendly Indians to give security to the trading house. The incaution of Torrey has been most culpable. Today I will rebuke him for his delinquency.

You will do the best you can, and incur the least possible expense to the government. Be advised by your reason in all your intercourse with both white and Indians, and your acts will be approved by the country.

I would have been better prepared for a correspondence on the subject of frontier security and the management of the Indians, had it not been for my protracted indisposition on the Trinity, whence I returned to this place on day before yesterday. I was there very ill, and detained on that account for some fifty or sixty days. My health is not yet entirely restored. My family I left convalescent.

My private business will, I apprehend, necessarily compel me to visit the East in some eight or ten days, and return by way of the Trinity where my family is at present, from which place I will communicate with my friends.

I am anxious to secure the tranquility of the country and security to all the frontier inhabitants.

I have the honor to be your obt. sevt.,

Executive Department,
Washington, July 29th 1844.

To His Excelleney,
General Antonio Lopez de Santa Anna,
President of the Republic of Mexico:

Letter to Ante Lopez de Santa Anna, in reply to manifesto of Gen. Woll.

Sir — It appears from a letter received from Gen. Adrian Woll, under date of the 19th ultimo, that you have entertained a desire to communicate with this government. I regret, however, extremely, that in so doing you should have indulged in a departure from the courtesy which ordinarily obtains in the correspondence between civilized states of the present age. There are certain designated and universally acknowledged channels of intercourse between nations, such as the Department of State, or Foreign Affairs.

Through your subaltern, Gen. Woll, you have, in the communication to which I allude, addressed no government, or functionary of any government. It is, however, addressed to Texians; but in language which even common courtesy does not sanction.

For the information of your Excellency, I will suggest that the commission sent out by this government for the purpose of regulating the conditions of an armistice between the two countries, was authorised by the President of Texas, and as such must have been communicated to your Excellency: otherwise the commissioners could not have been received in their official capacity. Their credentials alone entitled them to the recognition of yourself or officers.

The Texian commissioners had special and prescribed powers delegated to them, and all their acts were subject to the review and rejection or approval of the Executive. Without approval, they could acquire no validity. The designation of Texas as a department of the Mexican confederacy, so called, was highly obnoxious to the President; and, consequently, the conduct of the commissioners at once disapproved. — For this you are now, Sir, pleased to express through your subaltern your indignation at the perfidious conduct of the government of Texas.

I regret much that you have given this complexion to the affairs of the two countries. When men, by chance or providence, have been elevated to the rule of nations and entrusted with the protection of the best interests of the people, it must be considered a great misfortune, when they entail upon them calamities which their duties as philanthropists should teach them to avert.

When belligerents even in the most angry excitement of feeling, are arrayed against each other, it is but proper that their chieftains should preserve towards each other that comity which might render each other approachable, and thereby avert great human suffering and the effusion of human blood. — When war rages, all ranks and conditions are subject to its agitations and calamities.

Texas has already endured the extremest agony and will endeavor to profit by her experience. Against her

you have again denounced war. We will avail the event. ——

Eight years ago, you were a suppliant, obtained your liberation without ransom, and acknowledged the government of Texas. If Texas existed then as a nation, her recognition since that time by other powers, and her increased commercial relations, would well excuse your recognition of her sovereignty now.

But, Sir, you speak of your resources and power. They were defied and triumphed over in 1836; and if you invade Texas in 1844, you will find neither her prowess nor the success of her arms less complete.

I desire to know for what reason you have charged the authorities of Texas with perfidy. Have they ever given to Mexico any pledge they have not redeemed? They have liberated her chiefs and soldiers, taken on the field of battle, without obligation so to do. They are of a race which permit neither their word nor their honor to be falsified. How has it been with Mexico?

The capitulation of Fannin was disregarded, and hundreds massacred in cold blood! You indeed, denied a cognizance of this fact — declared that you were implicated by the falsehood of Gen. Urrea, and that if you ever returned to your country and came into power, you would execute him for his duplicity. Have you done it? You have power, but to what purpose!

Of the inoffensive traders who visited Santa Fé and capitulated to your officers, what was the treatment? They were slaughtered by the wayside, when unable to march, and their ears cut off and exhibited as evidences of their destruction - evidences, indeed, of barbarity not heard of among nations pretending to be civilised since the ninth century of the Christian era.

Again: at the surrender of Mier, your officers pledged to the men the protection due to prisoners of war. In fulfilment of which they were soon after barbarously decimated, and the remainder ever since held in chains and prison. They were also to be returned to their homes immediately after their submission — but every pledge given to them has been violated. Is this good faith?

You likewise pledged yourself, solemnly, through Her Britannic Majesty's Ministers to release the Texian prisoners in Mexico, if those of Mexico remaining in Texas should be set at liberty, which was done on the part of this government by public proclamation, and safe conduct offered them to return to their country. Have you performed your part of the agreement and your duty? Are they free?

Will all this justify you in charging through Gen. Woll, either the government or citizens of Texas with perfidy; or its Executive with double dealing and duplicity?

I regret, Sir, extremely, that it has been my duty thus to advert to circumstances which must be as disagreeable to you as to myself. But you have invoked it.

If you have denounced war and intend to prosecute it — do it presently. We will abide the result. Present yourself with a force that indicates a desire of conquest; and with all the appendages of your [illegible] and we may respect your effort. But the marauding incursions which have heretofore [illegible]

molestation, will only deserve the contempt of honorable men.

I have the honor to embrace you, with salutations of the most affectionate regard,

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Executive Department,
Washington, August 1st, 1844.

To Thomas G. Western, Esq.
&c., &c., &c.

Instructions, &c., to Supt. Indian Affairs.

Sir — Your communication of the 26th ultimo, is at hand. I regret that there should be any excitement on the frontier arising from apprehension of the Indians. Ere this time the whole truth is probably known.

The Witchetaws from the United States are very bad Indians and doubtless are incited by white men or refugees and insubordinates from other tribes. I am satisfied that those Indians that make war in Texas will never commit aggression or provoke hostilities. It is contrary to the nature of man to involve himself and his women and children in ruin.

I regret that you did not indicate your intention to rally a sufficient force from the neighborhood of Franklin and other portions of Robertson and Milam counties to ensure the safety of the frontiers. If an incursion should be made upon the frontiers, and the advice you have had as to the association of the Indians for that purpose should prove correct, it would be exceedingly desirable that you should expedite intelligence of it to Fannin county, in order that the citizens of that part of the country might intercept their retreat, and, if possible, extirpate them.

You and the citizens on the ground — men accustomed to frontier life — can better devise plans for the safety of the frontier, if it is really threatened, than those at a distance; and it must be done with the least expense possible to the government.

It is desired that you continue your despatches to the government, till you are able to return to Washington.

If you can transmit intelligence to Towson and Fort Washita, it is desired that you do so. As the Witchetaws reside in the United States, it is certainly the duty of the United States to restrain them; and I doubt not that the officers at those posts will interpose all their authority and force for this purpose.

I have the honor to be your obt. servt.,

Executive Department,
Washington, August 1st, 1844.

To Joseph Ellis, Esq.

Sir — You are hereby appointed agent of the Coshattee and Alabama Indians, to continue until the 9th December of the present year. The Executive is allowed to make you an allowance of one hundred dollars. You will be entitled to all the privileges and immunities, respect and power as such.

Appointment of agent for Coshattee and Alabama Indians

You are referred to the law regulating the situation of the Coshattees, &c.

It is desired that you should use every exertion in your power to promote harmony between the Indians and the whites; and agreeably to the act of Congress you will place them in possession of the lands designated for them. And should it be necessary for you to have assistance in so doing, you will call on the authorities of the county. The sheriff has control of the posse comitatus.

(L.S.) Given under my hand and the Great Seal of the Republic, at Washington, August 1st, 1844.

Executive Department,
Washington, August 1st, 1844.

To Joseph Ellis, Esq.

Sir — I have the honor to transmit herewith the instructions, &c. commission to enable you to act as agent of the Alabama and Coshattee Indians. It is very desirable that the poor creatures should be protected in the enjoyment of their rights; and the government having full confidence in your integrity, humanity and justice, has appointed you with a view to direct the Indians in the walks of peace and to protect them from aggression, if any should be attempted.

Indian Agent

You will find the law to which you are referred in your letter of appointment, in the possession of Vernal B. Lea, Esq. and the general law regulating intercourse with the Indians passed at the session of Congress of 1842 – 3, is herewith sent for your government. If you require any further information, you will communicate with the Executive, to whom you will make regular reports.

I have the honor to be your obt. servt.,

Executive Department,
Washington, August 6., 1844.

To Stephen T. Slater, Esq.
&c., &c., &c.

Sir You will receive herewith your commission as agent for the various tribes of Indians residing upon the frontiers. Instructions relative to Indian depredations.

You will be expected to enforce the provisions of the law regulating intercourse with the Indians, with which you will be furnished. You will visit as often as possible the several villages and bands of Indians on the frontiers and encourage them to observe the provisions of the treaty which they have made with the government. You will also advise them and induce them, as far as you can, to turn their attention to the cultivation of the soil and the production of corn, which will enable them to live much more comfortably. You will tell them that the government will from year to year, when it is ascertained that they are willing to raise corn and other provision stuffs, furnish them with hoes and other implements of husbandry.

You will exclude the use of intoxicating liquors.

You will be particular to expel from among them all persons who may be there contrary to the treaty stipulations, or whom you may suspect of having evil designs. You will have your eye especially upon all Mexicans; and if you have any reason to believe that they are operating upon the Indians against the people of Texas, you will bring them immediately to trial and punishment.

It is known that there are now among some of the tribes, emissaries from Mexico, who, if not prevented, may break up the existing relations of peace.

You will make your principal head-quarters at Torrey's trading house, and report as frequently as you can to the superintendent of Indian affairs at this place. You will be subject to his orders as well as those of the President.

I have the honor to be your obt. servt.,

Executive Department,
Washington, August 7th, 1844.

To M. C. Hamilton, Esq.,
Chief Clerk of the Department of War and Marine: Appointment
Sir — You are hereby appointed Acting Se- Acting Sec'y
cretary of War and Marine, and will do and perform all the duties and Marine.
pertaining to said Department at any time during the absence
of the Secretary of War and Marine.

I have the honor to be, your obt. servt.,

San Augustine, August 16th, 1844.

My Countrymen:

It has been communicated to me, from various sources, that much excitement has existed amongst the citizens of Shelby, and that they are ge- Address to the People of Shelby
nerally arrayed under different leaders, in opposition to each other, and to the great County.
terror and alarm of peaceful inhabitants.— Such acts and doings are contrary to the constitution and laws of the country. I have been invested with power and authority, as Chief Magistrate, to suppress all insurrectionary movements, and to that end the militia of the country have been placed subject to my order. All those concerned, must be aware of the deleterious influence that such associations will have upon our national character abroad, as well as the destructive influence which such acts must have upon our social and political institutions, where disorders of such character exist. All classes and conditions of life must feel insecure in their personal safety and property. If persons in society have rendered themselves obnoxious to the laws, it remains with the laws to punish them — but not for individuals to place themselves above the law, and assume to themselves powers which belong to the constituted authorities of the country alone.

It has not been in my power to possess myself with all the causes which led to this condition of things. Therefore I abstain from making any decision as to the merits or demerits of the parties. At the same time I feel it to be my duty, for the discharge of which I am responsible to my country, to admonish those who are now arrayed against each other, in violation of the peace of the community, to disperse and return to their respective homes, and to abstain from all acts of violence towards those who are under the protection of the laws. This is a mild and advisory course; and I trust will be regarded in such manner as will render it unnecessary to have recourse to such measures as would be as unpleasant to myself as they would be indispensable to arrest the unhappy condition of things, which I am informed now exists in Shelby county.

Your fellow citizen,

San Augustine, August 19th, 1844.

Gen. James Smith:

Sir — I have thought proper to order the colonels of Sabine, San Augustine and Nacogdoches, under your command, to hold their respective commands in readiness to repair, at a moment's warning, to Shelby county, for the purpose of maintaining the peace of that county, and giving to the civil officers such aid as may be proper under the present unfortunate circumstances.

Orders to Brig. Gen. James Smith.

You will, therefore, hold yourself and command in readiness for any emergency.

This course has been pursued by the Executive in reference to the peculiar emergencies, and without going through the forms ordinary on such occasions.

I have the honor to be your obt. servt,

San Augustine, 19th August, 1844.

To Brig. Major, John T. Shanks.

Sir — You will receive enclosed, orders to the various Brigade officers of this brigade; which you will forward to their proper directions.

Orders to Brigade Major.

I have the honor to be your obt. servt,

San Augustine, August 19th, 1844.

To Colonels, T. G. Broocks; San Augustine; W. M. Means, Sabine; John Todd, Nacogdoches:-

Sir — You will immediately take the proper steps to have your command in readiness for marching orders, armed and equipped for any emergency. — You will consider this order sufficient, after any notification from authority, and act as it may command.

Orders to Colonels.

San Augustine, August 23d, 1844.

To Brig. Gen. James Smith:

Sir — I have the honor to acknowledge the receipt of your Instructions communication of today. I am gratified that you so promptly repaired to the scene of action, where the appearance of the military was necessary to suppress the insurrectionary movements which had for some time existed in Shelby county.

Brig. Gen. Smith.

I trust, as numbers have submitted to the mandate of the civil authorities, that your detention will be of short duration — that the troops may be discharged and return to their respective homes. The object in calling you out was to meet the present emergency, as well as to maintain the majesty of the constitution and the laws.

You speak of negotiations which are going on with those who have not yet surrendered. I am unable to comprehend what character of negotiations can be concluded between the offenders against the laws and the laws themselves. Individuals may compromise and arrange difficulties which exist amongst themselves; and if such negotiations are going on, it is desirable that they should be encouraged: but no officer of government who is sent for the maintenance of the laws could divert the course of justice from its channel by any compact which he might enter into.

If the parties have dispersed or surrendered, and you should think proper to disband the troops, it might be well for you to detail a company of sixty men, or such number as you think proper, to station in Shelby county for a short time, under the command of a discreet officer; as it would most probably inspire confidence in the order and peace of the community; and allay the excitement which has unfortunately existed amongst the people.

It is desirable that the greatest care and economy should be used in sustaining the troops, lest the scarcity of supplies should produce great want in the community.

You will be careful to secure to all who may surrender, their persons and property inviolate from any indignity.

The company intended to be stationed in Shelby will be retained subject to the orders of the Honorable W. B. Ochiltree.

I have the honor to be your obt. servt.,

San Augustine, 23d August, 1844.

To Col. T. G. Brooks.

Sir — I have the honor to acknowledge your despatches of the 20th and 23d instant. After noting their contents, I have to remark, that it would not be possible to obtain either ordnance or any other supplies from Fort Jesup. The regulations of the United States every inhibit any officer to loan or dispose of any public arms, or stores on pain of being dismissed from service.

As relates to the subject of supplies for a

letter to in what plies, &c.

in camp I can only assure you Congress made no appropriation for such service, and I dare make no expenditure not sanctioned by law. Considering the scarcity of corn for the inhabitants of Shelby county, the horses should be grazed on grass, but not fed with corn — or it may greatly distress the community.

I have written to Gen. Smith, to whom you are referred, as I am greatly pressed for time.

I have the honor to be your obt. serv.,

San Augustine, August 26, 1844

To Brig. Gen. James Smith:

Orders to Brig. Gen. Smith, to raise company to be stationed in Shelby County.

Sir — You are hereby ordered to have raised a company of mounted men, to consist of at least fifty six rank and file, to be commanded by one captain, one first and one second lieutenant — to be stationed in Shelby county, for the maintenance of peace and order, for the term of three months — unless sooner discharged.

In the event of any embodying of men for insurrectionary purposes again in Shelby county, you will forthwith order out a force sufficient for the restoration of order and tranquility: and should necessity require it to be done, you will proclaim martial law, and act in conformity with the same, within the county of Shelby or elsewhere in your brigade, as the emergency may demand.

I have the honor to be your obt. servt.,

Grand Cane, Liberty County, Sept. 10th, 1844.

To Col. J. C. Neill:

Instructions, &c. Indian Commissioner.

Dear Sir — After having been detained some time in the East, on public business, I arrived here on the 2d. instant. Since I came here, I have had the most violent attacks of chill and fever that I have ever experienced.

I did expect to have seen you ere this time; but as I have been disappointed, and desiring that you should attend the treaty, I have sent an express to you, that no disappointment may arise.

I desire that you should proceed to the treaty ground at Tawoccano Creek, where you will meet your associates,

act under former instructions; and I confidently hope the Camanches will attend and enter into a treaty.

As the Superintendent of Indian affairs will not be at the treaty, I desire you to make such contracts for supplies as may be necessary to furnish those Indians who may be there with sufficiency to eat.

Unless my health becomes intolerably bad, I hope to be at Washington on the 18th inst. I have suffered very much from sickness, and am now feeble; therefore I will allow myself from the 13th to ride to Washington by the 18th.

I believe I have nothing further of importance to communicate to you. I hope I may have the good fortune to meet you at Washington. If it should not be the case, and you should have left there, I will try to keep you advised of everything of importance.

Very truly your friend,

Sam Houston

Washington, September 17th, 1844.

To Col. Thomas J. Smith:

Sir — By a communication from His Excellency the President, recently received, I am informed of his wish that you should act as one of the commissioners to treat with the Indians at the approaching council; which wish, it is the object of this note now to make known to you.

Appointment as to Indian Commissioners.

It is important that you should reach the council ground at the earliest possible moment, as the Indians have already begun to assemble. Col. Neill will be one of your associates. He has been notified of his appointment.

It is the President's desire that the commissioners should make the necessary preparations, and when ready to go into the treaty, that they would communicate the fact to him, with all the particulars which might be of interest to him before meeting them; when he will, if advised by the commissioners so to do, go up to the council.

The commissioners will act under the instructions heretofore received.

The President is expected home by the 20th instant at farthest.

With much regard, your obedt. servt.,
H. D. Miller,
Presidents Private Secretary.

Sam Houston

Washington, September 17th, 1844.

To Messrs. Sloat and Slater,
&c., &c., &c.

Gentlemen — As his Excellency the President and the Superintendent of Indian Affairs are both at present absent from the seat of government, and may not return for some three or four days yet, it becomes my duty to communicate to you the wishes of the President, in reference to the Indians, as indicated to me in a letter very lately received from him.

Instructions to Indian agents

You, or either of you, will please proceed with as little delay as possible to procure the necessary supplies of corn and beef, upon as good terms and as convenient as possible, for the use of the Indians at the council.

Make your purchases, if possible, on sixty days' time; — and if they cannot be had upon that time, then upon as long as you can get — taking care in all cases to give full and proper receipts, upon the delivery of the articles purchased, specifying the amount received, the price & for what purpose procured.

All accounts made should, also, be regularly reported to the Superintendent of Indian Affairs, that he may be able to keep his accounts correctly.

The President desires that you should have such arrangements made as will bring him intelligence from the treaty ground, as to the prospect of a full council — the numbers of the Indians in attendance, of what tribes, and everything of importance connected with the treaty.

He desires also, that Mr. Sloat should inform himself particularly as to the conduct of the Delawares, and the fidelity with which they have kept their engagements with the government.

Col. I. B. Neill and Col. Tho. I. Smith will be two of the commissioners.

If Col. Smith is not on the ground, you are requested to despatch a messenger to him forthwith, with the accompanying note, informing him of his appointment.

The President's return is looked for daily.

With much regard, your obt. servt.,
W. D. Miller,
President's Private Secretary.

Sam Houston

Executive Department,
Washington, September 20th, 1844.

To Cambridge Green, Esq., Agent for Lipans, &c.

Sir — By recent information from the trading house on Tawoccano creek, I am informed that the Camanches, Wacoes, Kechies, and other tribes are now assembling for the purpose of holding a council and entering into a treaty of peace. They have communicated their wish that some of the Lipans should also be present, to make peace for their tribe. — I have therefore thought proper and according send an express to you to direct that you forthwith obtain some three or four of the chiefs and head men of that tribe, and proceed with them, with all possible despatch to the council ground at the place above mentioned. Do not fail to execute this order.

Instructions. Indian Agent.

I have the honor to be your obt. servt.,

Sam Houston

Executive Department,
Washington, September 23d, 1844.

To the Indian Commissioners:

Gentlemen: — The express by Jack Harry came to hand last night, and by his return I have to say that I expect to leave here in the morning for the Falls of the Brazos, and will certainly be there unless prevented by sickness. The Indians can come down to see me at that place.

Note to Indian Commissioners.

Torrey left yesterday for Houston, and expects to have a load of goods at the council ground within ten days from to day. — Gen. Morehouse has been appointed one of the commissioners; and will be at his post as soon as he can.

I have the honor to be your obt. servt.,

Sam Houston

Executive Department,
Washington, September 24th, 1844.

To W. C. Brashear, Esq. M. M. R.

Sir — You are hereby appointed a Commander in the navy of the Republic of Texas to take effect from this date. — You will faithfully discharge your duties as such, and be obeyed and respected accordingly.

Appointment of Commander in the Navy.

I have the honor to be your obt. servt.,

Sam Houston

/Confidential./ City of Houston, May 10., 1844.

To Messrs. J. Van Zandt
and J. P. Henderson,
&c., &c., &c.

Letter of instructions, &c., to Messrs. Van Zandt and Henderson.

Gentlemen — I had contemplated the arrival of Dr. Jones here before this time; but he has written to me that he was quite indisposed, and not able to come.

This point being more convenient than any other in Texas for the conducting of a correspondence abroad, I have preferred it, until our matters have assumed some definite shape and the question of annexation decided. By this time I presume it is ascertained what will be the result.

The United States steam vessel Poinsett touched at Galveston on its way to Vera Cruz, and through General Murphy I received some unofficial intelligence. Rumor says that the object of Mr. Thompson's visit to Mexico is to settle definitively the boundary line between the two countries and that the United States is about to acquire a large portion of the Californias and settle the boundary of Texas to suit themselves.

I learn unofficially from Corpus Christi, by rumor, that some eight or ten Mexican soldiers have been killed at that place, who came in for the purpose of suppressing smuggling into Mexico from that point. Thus you see that our people must be doing some little mischief. We must always enjoy some agreeable excitement or things will not go very well.

You will find that the Secretary of State has addressed a despatch to the Legation at Washington, touching the subject of the armistice; which I took the liberty of opening, and find with pleasure that it contains the intelligence that was proper for you to have at this time. I did not deem it necessary to take any action upon the agreement signed by our commissioners, further than to reject it silently. I supposed that Santa Anna would calculate as a matter of course that some action would take place under it, and consequently that we would gain time by silence. You will perceive from the instructions given to our commissioners that I had never changed my principles or opinions in relation to Texas since 1836. I then made the first suggestion in relation to its boundary as an independency, that ever had been made; and for your information I transmit to you a paper containing a letter of mine on the subject to Gen. Rusk, then Secretary of War, after the battle of San Jacinto; which, if you should think proper, as it might have some influence in settling the public mind in relation to some points embraced in it, you can have republished. Had the advice which it contains been carried out, another blow would never have been struck or a gun fired by the enemy in Texas.

I take the liberty of enclosing to you the copy of a letter addressed to Gen. Murphy some days since. It was private; and when I commenced it, I had no expectation of making more than an ordinary friendly note. The boat

leaving before I was aware of it, induced me to extend it to the capacity of a letter of some length; and I thought it probable that he might upon reflection forward it to his government. It contains some speculations which might have more or less influence on the subject of annexation. The statesmen of the United States have doubtless viewed the subject in all its bearings and will not derive any light from suggestions of mine.— I desire to keep you advised of everything, no matter how unimportant it may seem generally.

If further negotiations have to take place with the government of the United States, from the cramped condition of our means, it will be proper to transfer them to Texas. The reason will be manifest in our want of funds to support our agents abroad.

Since I have had time to reflect upon the provisions of the treaty I begin to entertain some apprehension that our Senate may not be disposed to ratify it. It strikes me that the conditions are not quite liberal to Texas. I do not allude to that part of the treaty that would admit us as a territory; for I am satisfied that we cannot go into the Union on any other terms agreeably to the federal constitution of the United States.

The assumption of our debts by the United States, is a very trifling item; and as the liabilities were mostly incurred on the principle of equivalents, the whole debt will not amount to five millions. All our ten per cent. bonds, as well as I am advised were issued at six for one. I think the principle of equivalents was established in the early part of 1839, and the depreciation was pretty rapid until the close of Lamar's administration, when red backs were issued at eight for one.

Thus you will perceive that the United States would not, in equity, be bound to redeem the liabilities of Texas at a higher rate than what they were issued at. This will very much reduce the seeming amount of debt owing by Texas; and the dates of the several issues, as well as the equivalents, can be ascertained with great accuracy.

These are suggestions which I have not made to the public, nor do I intend that they shall be. So that you perceive that the United States will realise everything from the treaty while Texas will derive very little.

Today I expect to go to Galveston; and perhaps may remain there until the arrival of the Neptune. I will have constant care to our affairs until they eventuate.— I will take care that you have some funds forwarded you forthwith, and furnish you with all information that may be of importance to you in the conduct of our affairs.— Keep the Government here advised, by every mail, of all passing events.— Always sleep with one eye open.— Do the best you can.

I have the honor to be your obt. serv.,

Ion Morton

Order to Col. Broocks.

San Augustine, August 19th, 1844.

To Col. T. G. Broocks:

Sir – You will forthwith proceed to the scene of contest in Shelby county, and enforce the laws of the country, with the force under your command. Order must and shall be restored in the county; and you must adopt such measures as will be necessary on the occasion, under former orders.

I have the honor to be your obt. servt.,

San Augustine, August 23d, 1844.
9 o'clock, P. M.

To Brig. Gen. James Smith:

Note to Brig. Gen. Smith.

Sir – I have the honor to acknowledge the receipt of your note, dated at six o'clock, P. M., of today. Ere this, you will have received mine of a similar date accompanied by one from the Honorable M. B. Ochiltree.

They will clearly indicate the purposes of the Government; and I have only time to refer you to their contents for execution, as remedies for past evils and to prevent the recurrence of similar misfortunes to the country.

The instructions which have been sent to officers in command, as well as those which originated the call of the troops, will express to you the object of the Executive; and I flatter myself that I will not be disappointed in the successful result of your services.

I have the honor to be

Your most obt. servt.,

Executive Department,
Washington, October 17th, 1844.

To all to whom these presents shall come: Know ye that the bearer hereof, the widow of Ben-Ash, who died lately at this place, is on her way home to the Coshattee tribe of Indians at Coleeta's or John Coley's village, near Smithfield on the Trinity river; and they are hereby recommended to the hospitality and kind treatment of the good people of the Republic on the road.

Passport to Coshattee woman.

Washington, Texas, October 18th, 1844

To Maj. Gen. Jas. A. Bennet:

Sir — Your favor of the 30th August reached me this day. — In response to the propositions its embraces, I have to say — that, as matters now stand, it would be unnecessary, and therefore injudicious, for the Executive to invite or receive armed immigrants within our limits for the purpose of prosecuting offensive operations against Mexico. Should, however, such a course on our part become expedient, I shall not fail to give to your suggestions, the most serious consideration.

You are correct in supposing me no bigot. I desire that the people of all creeds should be regarded by government with the most scrupulous impartiality.

I have the honor to be,
With high respect,
Your obt. servt.

Letter to Gen. Jas. A. Bennet

Executive Department,
Washington, December 4th, 1844.

Gentlemen of the Senate,
and of the House of Representatives.

In meeting again, and for the last time during my official term now about to close, the assembled representatives of the people of Texas in their annual session, I avail myself of the occasion to congratulate them upon the condition of the country, in its foreign and domestic relations, and to join with them in unaffected thanks to a propitious Providence for numerous favors which have been vouchsafed to us as a people.

General Message to Ninth Congress

reasons to feel grateful to that omnipotent arm, which has been so constantly stretched out to supply our wants and to sustain us in every trial, alike in peace and war.

As my services as Chief magistrate must now so soon come to an end it will only be necessary for me to lay before the Honorable Congress a succinct view of the principal transactions of the Government within the last year, and to make such suggestions as may naturally arise out of the facts submitted - leaving to my successor the further duty of proposing for legislative consideration, such subjects as may seem to him proper for the security and welfare of the nation.

Since your last adjournment, our relations have been extended upon the continent of Europe, by the negotiation of treaties of amity, navigation and commerce with some of the German states, with which a respectable trade, convenient and profitable, has already sprung up.

The governments of Great Britain and France still maintain towards us those sentiments of friendship and good feeling which have ever marked their intercourse with us; and which it should continue to be our studious care, by every proper manifestation on our part, to strengthen and reciprocate. There is no ground to suspect that the late agitation of international questions between this Republic and that of the United States, has, in any degree, abated their desire for our continued prosperity and independence, or caused them to relax their good offices to bring about the speedy and honorable adjustment of our difficulties with Mexico. - That they should evince anxiety for our separate existence and permanent independence as a nation, is not only natural but entirely commendable. They will never require of us, I am fully assured, any sacrifice of honor or interest; and if they did, we should be quite free, as I am certain we should be ready, to refuse it. They are too well acquainted with the history of our origin and progress to suppose, for an instant, that we would, under any circumstances, surrender one jot or title of that liberty and right to self-government which we achieved in the sanguinary conflicts of revolution, or give up a single privilege secured to us by our laws and constitution. They will not ask it - they do not expect it - we would not yield it.

Our relations with the United States remain in the same condition, as at the time of my last annual communication. We are still without any treaty stipulations between the two countries. Within the last two years, all attempts at their establishment have been negatived by the satisfying power of that government. That any effort for the same purpose will meet with better success, for some time to come, I am wholly unable to determine.

In all but the name, we still continue at peace with Mexico. Since the autumn of 1842, no incursion has been made within our borders. The moral effect of public opinion throughout the enlightened world, if not the decided intervention of powers mutually friendly, seems to have arrested that course of conduct heretofore practised against us, on the part of our enemy, and so plainly subversive of every rule of honorable warfare.

Those of our citizens who surrendered to the officers of Mexico, under pledges of the treatment usually accorded to prisoners of war, have all been released from the captivity in which they were so perfidiously retained, and permitted to return home - with the exception of Mr. José Antonio Navarro, one of the illfated number composing the Santa Fé expedition, who alone remains to bear the vengeance of a government which seems to delight in inflicting upon a helpless individual those wrongs and cruelties which would degrade the head of any other nation to a level with the rudest savage.

SECOND TERM: DECEMBER, 1844.

The laws of the last Congress touching our prisoners in Mexico, were carried out as fully and as speedily as circumstances would permit.

The commission sent out by this government to confer with a similar commission on the part of Mexico, in regard to the establishment of an armistice between the two countries, concluded their labors in the month of February last. Under the instructions by which they were governed, it became necessary for the Executive to approve or reject their proceedings. As soon as they were submitted, he did not hesitate, for reasons palpably manifest, to adopt the latter course.

The subsequent manifesto of the Mexican government, in relation to this subject, disregarding as it did every ordinary courtesy, even between belligerents, and descending into the vilest and most unmerited abuse of the people of Texas, forced upon the President the necessity of a response. He accordingly replied in such terms as he believed the occasion required at his hands.

Our Indian affairs are in as good condition as the most sanguine could reasonably have anticipated. When it is remembered that a great while necessarily elapsed before the various tribes, all of whom were in a state of the most bitter hostility, could be reached through the agents of the government, and that they are now, taken as different communities, completely pacified and in regular friendly intercourse with our trading establishments; in the judgment of the unprejudiced and impartial, the policy which would inculcate and maintain peace, and thereby save the frontiers from savage depredations and butcheries, will be viewed as satisfactorily demonstrated. It is not denied that there are among the Indians, as among our own people, individuals who will disregard all law and commit excesses of the most flagrant character; but it is unjust to attribute to a tribe or body of men disposed to obey the laws, what is properly chargeable to a few renegades and desperadoes. Other governments of far superior resources for imposing restraints upon the wild men of the forests and prairies, have not been exempt from the infraction of treaties and the occasional commission of acts of rapine and bloodshed. We must therefore expect to suffer in a greater or less degree from the same causes. But even this, in the opinion of the Executive, does not furnish overruling testimony against the policy which he has constantly recommended and which he has had the happiness to see so fully and so satisfactorily tested.

The appropriation made by the last Congress for the service of the Indian department for the present year, has been found insufficient to meet the necessary expenditures. An additional sum is therefore respectfully asked, to cover outstanding liabilities necessarily incurred – amounting altogether to not more than four thousand dollars.

It will appear from the report of the Secretary of the Treasury, that the finances of the country are in the most healthy and prosperous condition. It is believed the receipts from the various sources of revenue will at least equal the expenditures – and perhaps leave a small surplus in the Treasury. The Executive has no hesitation in declaring that this would have been the case to a comparatively large amount, if the recommendations he has so frequently made in relation to the more prompt and certain collection of the revenues, had been responded to by the Honorable Congress, by the enactment of the legal provisions deemed absolutely indispensable for this object. It is plainly unjust that the law abiding citizen and faithful officer, should be charged with the burthens of government, and the dishonest and unpatriotic be permitted, by the defects of our statutes, to be relieved from the contribution of their fair proportion. Had the necessary laws been passed as recommended, we should have received from customs,

eastern boundary, as is estimated, some seventy five thousand dollars more, annually, than have been collected; making, within the last three years, the sum of two hundred and twenty five thousand dollars, which has been totally lost, and which at this time would enable us to be in a far better state of preparation for the contingencies to which every nation is liable, and for undertaking the various improvements which our situation, as a rising people, makes obligatory upon us.

It is only necessary to mention, in order to show the striking propriety of adequate amendments to our revenue laws, that the defalcations which have already occurred in the collection of the direct taxes alone, amount to more than fifty two thousand dollars; and the defalcations of the late collectors of import duties at the two ports of Galveston and San Augustine, reach nearly thirty thousand dollars more. It is obvious, therefore, that the laws must be so improved, by the action of the legislature, as to secure the more certain and prompt collection and transmission of the public moneys. Otherwise no safe calculation can be made as to the means annually appropriated for the support of government.

The total amount of expenditures for all purposes during the present administration, up to the first of November last, – excluding fifty thousand eight hundred and seventy three dollars and eighty two cents, incurred during the administration of my predecessor and paid by this – is four hundred and sixty thousand two hundred and nine dollars and eighteen cents. The receipts for the same period are estimated at four hundred and sixty six thousand one hundred and fifty eight dollars and nine cents – leaving a balance of five thousand nine hundred and forty eight dollars and ninety one cents, after carrying on the government for the last three years. It should be mentioned, also, that the estimate of expenditures dates back to the first of December, 1841, and that of the receipts to the first of February, 1842, at which time Exchequer bills began to be received for revenue – a space of two months, during which the expenses of government were being incurred without the receipt of a dollar to meet them.

It appears from the several enactments on the subject, that the amount appropriated for sustaining the post office establishment during the administration of my predecessor, was two hundred and fifty two thousand nine hundred and seventy dollars; and that the like appropriations during the last three years, for the same purpose, amount to but about twenty nine thousand. Notwithstanding, however, this great difference in the means afforded for the support of this important branch of the public service, it is believed that, by the exercise of proper economy, the mails have been regularly transported upon all the routes prescribed by law, so as to give the greatest benefits possible under the means which could be applied.

This statement, it is believed, will best explain the conduct of the administration in the management of its finances; and perhaps satisfy the people of the Republic, that all within its power has been done to economise the means which they had contributed for the support of our institutions. Much hardship has been encountered, and sometimes extreme perplexity endured by all the public officers, from the fluctuations to which the currency has been subjected. But they have the satisfaction to know that, although they have frequently received less than one half the compensation assigned them by law for their services, they have materially assisted in sustai-

their country in the time of difficulty and need. — During the past summer, dissensions of a most unfortunate character, arising from private and personal causes, and leading to the most deplorable excesses against life and property, existed in the county of Shelby, and extended in some degree to the surrounding districts. The necessity for the prompt intervention of the government, to arrest this state of things became imperative; and, accordingly, the Executive proceeded in person to a convenient point near the scene of difficulties, and ordered out a military force deemed sufficient for the effectual attainment of the object in view. He is happy to say that the citizen soldiery obeyed the call upon their patriotic services, with the utmost alacrity — by which the reign of order and the supremacy of the laws were speedily reestablished.

It was deemed prudent, in order to secure the maintenance of these blessings, and to give due protection to the civil authorities, in the administration of justice, to station a company of men in the county of Shelby. For this purpose a corps of volunteers were enrolled, and continued in service as long as the government thought it advisable for the preservation of peace.

The Executive does not doubt that the Honorable Congress will readily perceive the necessity which existed for the exertion of the strength of the government for the suppression of the disorders alluded to; and that they will as readily make provision for the payment of the expenses incurred in doing so.

It appears that the force authorized to be kept in service for the protection of the Southwestern frontier has not been adequate to afford the security anticipated. The government, being desirous to extend every facility in its power for the better security of that border, authorised the raising of a company in addition to that already in the field. The expenses thus incurred are small; and it is hoped that the necessary means will be provided for their payment.

Reports from the several Departments and Bureaus of government are herewith respectfully submitted, and the attention of the Honorable Congress invited to their contents.

I have now only to add the hope, that your deliberations may be characterised by that wisdom and harmony so essential to the attainment of those great ends for which you are here assembled; with my fervent desire that all your labors may, under the guidance of Heaven, give additional force and energy to all those principles of private and public virtue so indispensable to the stability, prosperity and success of the government and people of the Republic.

Executive Department,
Washington, December 5th, 1844.

To the Honorable the Senate,
and House of Representatives:

Special message in relation to vacant judgeships.

I have the honor to make known to the Honorable Congress, that during their recess, the judgeships in the first and sixth judicial districts became vacant by the death of their respective incumbents, and that the same were filled by Executive appointment.

/Secret./

Executive Department,
Washington, December 5th, 1844.

To the Honorable the Senate:

Special message transmitting treaty.

I herewith respectfully submit, for the constitutional action of your Honorable Body, the convention of Friendship, Commerce and Navigation, between the Republic of Texas and the Hanseatic Republics of Lubeck, Bremen and Hamburgh, concluded at Paris, on the 17th day of April, 1844.

/Secret./

Executive Department,
Washington, December 5th, 1844.

To the Honorable, the Senate:

Special message transmitting Indian treaty.

I herewith respectfully submit, for the constitutional, action of your Honorable Body, the treaty of Peace, Friendship and Commerce, between the Republic of Texas and the Camanche, Keechi, Waco, Caddo, Anadahka, Joni, Delaware, Shawnee, Cherokee, Lipan and Tonkawa tribes of Indians, concluded and signed at Tahwoccaro Creek, on the 9th day of October, 1844.

(Secret.)

Executive Department,
Washington, December 5th, 1844.

To the Honorable the Senate:

Nominations.

I have the honor to submit for the advice and consent of the Senate, the following nominations, under appointments made during the recess of Congress.

George W. Terrell, Chargé d'Affaires to France, &c.
James Reily, Chargé d'Affaires to the United States.
William H. Palmer, District attorney for the 6th judicial district.
Gideon R. Jaques, Notary Public for Matagorda County.
Robert L. Williams " " Jasper "
Benj. Richardson " " " "
Otes McGaffy " " " "
Joseph Daniels " " Washington "
Samuel D. Hay " " Montgomery "
David Ayres " " Austin "
John A. Veatch " " Liberty "
G. L. Martin " " " "
R. M. Forbes " " Brazoria "
Adolphus Sterne " " Nacogdoches "
Samuel Monroe Hyde " " Rusk "
John R. Braddock " " Lamar "
A. P. Vaughn " " Harrison "
Niles F. Smith " " Port of Sabine.
James Somervell " " Port of Matagorda.

Valedictory remarks, made at Washington, on the occasion of retiring from the Presidency of the Republic December 9th, 1844.

Gentlemen of the Senate and of the House of Representatives,
and Fellow Citizens:

This numerous and respectable assemblage of the free citizens of Texas and their representatives, exhibits the best possible commentary upon the successful action and happy influence of the institutions of our country. We have met together for no purpose but that of adding another testimonial to the practicability of enlightened self-government — to witness a change of officers without the change of office — to obey the high behests of our written constitution in good will and fellowship, as members of the same great political family, sensible of our rights and fully understanding our duty.

I am about to lay down the authority with which my countrymen, three years since, so generously and so confidingly invested me, and to return again to the ranks of my fellow citizens. But in retiring from the high office which I have occupied, to the walks of private life, I cannot forbear the expression of the cordial gratitude which inspires my bosom. The constant and unfailing support which I have had from the people, in every vicissitude, demands of me candid and grateful acknowledgment of my enduring obligations.

I have derived a sustaining influence, which has enabled me to meet the most tremendous shocks and to pursue, without faltering, the course which I deemed proper for the advancement of the public interests and the security of the general welfare. I must confess, that to the people I owe whatever of good I may have achieved by my official labors; for without the support which they so fully accorded me, I could have acquired neither advantage for the Republic nor satisfaction for myself.

It is true that collisions have existed between the Executive and Legislature. Both were tenacious of what they deemed their peculiar privileges; and in the maintenance of which both may have erred. In various instances, the Executive was constrained by what he believed to be his most solemn duty to his conscience and his country, to interpose his prerogative to arrest immature, latitudinous and dangerous legislation. Under the constitution, his weight in the enactment of laws, is just equal to that of two thirds of either House of Congress. Were it otherwise he would be but little more than a mere automaton, and the balance of power and the coordinate character of these two divisions of the government would be utterly destroyed. The Executive has never denied to the Congress purity of motive and honesty of purpose. He has sincerely lamented the existence of any cause, apparent or real, for the occasional disagreements which have occurred, and has deplored the necessity of resorting to the Executive veto to save the country from still greater evils. In the exercise of this power, he was aware that two thirds of the Legislature could correct any error he might commit; and that beyond them stood the Judiciary, as the final umpire to decide between him and them, and preserve the constitution inviolate.

I have now no reason to conceal the convictions of my judgment or the feelings of my heart. I stand here not to ask the concurrence of any branch of the government in any of my acts; but to declare in all sincerity that the differences to which I have alluded, and the necessity for which I truly regret, arose on my part from a patriotic conception of duty. I may have been mistaken. In my retirement, therefore, I take with me no animosities. If ever they existed, they are buried in the past; and I would hope that those with whom it was my lot to come in conflict in the discharge of my official functions, will exercise towards my acts and motives the same degree of candor.

In leaving my station, I leave the country tranquil at home and, in effect, at peace with all nations. If some annoyances still exist on the frontier, it will be remembered that it has taken years to attain our present position. The savage hordes by whom we have been molested, have at length, by the policy I have pursued with constancy become generally peaceful. The occasional difficulties which arise, are not to be compared with those of former days.

It is not reasonable to suppose, that a work of so great magnitude and importance could be accomplished in a little while. Some twelve or fourteen different tribes of Indians, not harmonizing among themselves, and accustomed to depredate upon all around them, had long carried on hostilities upon our borders and despoiled us of our citizens. With them we have at last, I trust, succeeded in establishing a lasting friendship.

Our foreign relations, so far as the United States, France, England, Holland, and some of the principal states of Germany are concerned, are of the most agreeable character, and we have every assurance of their continuance.

As to Mexico, she still maintains the attitude of minal hostility. Instructed by experience, she might be expected

have become more reasonable; but the vainglorious and pompous gasconade, so characteristic of that nation, would indicate that she is not quite ready to acknowledge the independence we have achieved. If, however, she attempts the infliction of the injuries which she has so often denounced, I am fully assured that the same spirit, which animated the heroic men who won the liberty we now enjoy, will call to the field a yet mightier host to avenge the wrongs we have endured, and establish beyond question our title to full dominion over all we claim.

When I look around me, my fellow citizens, and see and know that the prospects of the Republic are brightening – its resources developing – its commerce extending – and its moral influence in the community of nations increasing my heart is filled with sensations of joy and pride. A poor and despised people a few years ago, borne down by depressing influences at home and abroad, we have risen, in defiance of all obstacles, to a respectable place in the eye of the world. One great nation is inviting us to a full participancy in all its privileges, and to a full community of laws and interests. Others desire our separate and independent national existence, and are ready to throw into our lap the richest gifts and favors.

The attitude of Texas now, to my apprehension, is one of peculiar interest. The United States have spurned her twice already. Let her therefore maintain her position firmly, as it is, and work out her own political salvation. Let her legislation proceed upon the supposition, that we are to be and remain an independent people. If Texas goes begging again for admission into the United States, she will only degrade herself. They will spurn her again from their threshold, and other nations will look upon her with unmingled pity. Let Texas therefore maintain her position. If the United States shall open the door, and ask her to come into her great family of states, you will then have other conductors better than myself to lead you into a union with the beloved land from which we have sprung – the land of the broad stripes and bright stars. But let us be as we are until that opportunity is presented; and then let us go in, if at all, united in one phalanx and sustained by the opinion of the world.

If we remain an independent nation, our territory will be extensive – unlimited. The Pacific alone will bound the mighty march of our race and our empire. From Europe and America her soil is to be peopled. In regions where the savage and the buffalo now roam uncontrolled, the enterprise and industry of the Anglo-american, are yet to find an extensive field of development. With union, industry and virtue we have nothing to apprehend. If left alone, we have our destiny in our own hands, and may become a nation distinguished for its wealth and power. – It is true that we have been visited with inconveniences and evils. It is but a short time since we were without a currency – without available means, and everything to do; for our national paper was depreciated to almost nothing. A currency, however, has been at length established. Hard money is disbursed by the government, and circulates in the community. The period has arrived I hope, when this currency may be maintained, and all other eschewed; unless intended as a representative of the precious metals actually in deposit. And I would not recommend the extension of the system further than merely to give the necessary facilities as a medium of transmission or exchange. Relying upon the disposition of Congress not to extend their appropriations beyond the revenues arising from port duties and the direct taxes secured, it will be seen

	Date	To Whom	
1	March 10, 1842	The People	The Address in reference to Invasion &c
9	" 11 "	Address to the People	– Impressment of Supplies &c
51	" 14 "	" " "	Organize and be ready, when called, to meet the enemy
79	April 22 "	" " "	Mexican Outrages, War as necessity. This Militia to organize &c &c
84	" 25 "	" " "	Of the United States in reference to Unauthorized agents from Texas
132	July 26 "	" " "	Preparing a plan of operations against Mexico
367	June 16 1844	" " "	On Speedy Annexation – Expectators and Moderators

72	March 24 1842	Austin City, the people of	Reply to the Commissioners of (Combs & Hartsuas) in reference to removal of Archives
78	April 14 1842	Adams G W	Indian affairs
84	April 20 1842	Agents, Unauthorized	– Warning the people of the United States against Unauthorized agents
89	May 12 1842	Allen Capt H W	Complimentary to his Company
94	May 26 1842	Aubry W. P.	Mexican Traders to be released

	Date	To Whom		
	Dec 16 1841	Brigham	Adj	Appointing him Secretary of the Treasury
41	July 5th 1842	"	"	Instructions to
16	July 9th "	"	"	Leave of Absence to visit Austin
174	Dec 20th "	"	"	Instructions relative to the payment of the balance on a draft
255	June 1st 1844	—	—	Leave of Absence
221	March 23. 1842	Bryan Wm Mead Comr		Instructions to take charge of vessels - Capt Capt E. W. Moore
248	May 21st "	"	"	" " conduct of Naval commissioners. Capt Capt Moore &c
45	March 9 1842	Ballinger Wm.		In reply to Memorial in reference to land donations to emigrants
48	March 10. 1842	Borden Gail. Collector		Requisition for arms
2-2	Feb 22nd 1844	Burnet Wm		Appointed Dist Attorney for Tex
3-3	March 17th 1842	Burton Maj. of H		To distribute proclamations - volunteers to organize - private property not to be embargoed
74	March 24 1842	Borden Gail Jr		Appointing him agent to receive foreign vessels
75	" 25th "	"	"	Foreign Captures on the lakes "Prosperity" reclaimed "French Commercial
139	Aug 20th "	"	"	Collection of Import duty on certain goods
213	Aug 23rd 1842	—	—	Secret mission of Wm Bryan, Chas McWilliams & J Morgan i.e. to Sell the Navy
99	June 17 1842	Boylan J D		Order to take the Brig Retrieve and transport troops to Live Oak Point
149	Sept 27. 1842	Baldwin Horace		Appointed General Agent at Houston
195	Aug 7th 1843	Brashear Wm C		Complimentary on his leaving the country
272	Feb 24th 1844	—	—	Appointed a Commander in the Navy
268	Aug 13th 1844	Brooks Col D J		To have his Command in readiness to move
361	" 23rd "	"	"	In reference to Supplies &c (See next page)
220	July 19th 1843	Bryant Maj Benj		Indian Chiefs to be sent in - Supplies to be furnished to them
221	" 24th "	"	"	Indians not to come to the seat of Government without a passport
232	" 25th "	"	"	Instructions to
259	July 8th "	"	"	Instructions to

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Date	To Whom	
Aug 19th 1844	Brooks Col T G	Ordered to Shelby County
Oct 18th 1844	Bennet Maj Genl ajasent.	Armed emigrants from the United States

	Date	To Whom	
4.	March 12. 1842	Clark, Capt John	To command the Coast Guard &c
77	apl 9. 1842	Casey Thomas	Appointed Aid Decamp to the President
90	May 13. 1842,	Chandler Capt Eli	Complimentary to him and his company
169	Dec 10. 1842	" " "	Instruction relative to removal of the Archives from Austin
170	" 10th "	" " "	Same subject
101	June 21. 1842	Castro - a Lipan Chief	Passport
141	Sept 1. "	" " "	Wants an escort for the Commissioners sent to treat with the Apaches Indians
92	May 17. 1842	Crump Wm G	Appointed acting Sec. of the Treasury
108	July 5th "	" " "	To audit and pay the account of Capt. W. H. Nicholson &c
119	" 15th "	" " "	To prepare $10.000. of the new Exchequer bills for the purpose of redeeming the old issue
132	" 26th "	" " "	To issue the balance of the Exchequer bills appropriated for the army
333	Feby 5th 1844	Conner John	agreeing to pay him for services on Indian affairs
338	June 1st "	" "	Instructions Indian affairs
140	Aug 25. 1842	Cottle Dr Barzillai	Commissioner to treat with the Apache Indians
144	Sept 14th 1842	Cruz Thos.	Passport to San Antonio
148	Sept 22. 1842	Caldwell Capt Mathew	Congratulatory - pursuit the enemy
151	Oct 8. 1842	Chanowith Maj John	Indian Council at Waco to collect Indian prisoners to be given up.
214	June 27th 1843	Crisp Lt D. H.	Communicatory an Introductory
216	Feby 10th 1843	Culp D D	License taxes
347	Apl 25th 1844.	Cumpbell Robt C	Replying to a petition for pardon
247	May 6th 1843	Caramayel Viscount de	In reference to the unauthorized arrest of Post, Capt E H Morris

Page	Date	To Whom	
377	Oct 17. 1944	Boshatlin Wroman Inuiman	passport

	Date	To Whom	
2	Feb 15. 1842	DePolk. - Capt	no money to pay for horses and no power to press capt in extreme case.
76	May 3. 1842	Davis Jas	Appointing him acting assistant General
87	" 5th "	Davis Col Jas	Ordering him to take command at Corpus Christi not to march on Matamoras until ordered
95	" 26th "	" " " "	Ordering the seizure of American traders &c
97	June 15th "	" " " "	Instructions to - Insubordination in the Army
117	July 10th "	" " " "	Instructions, Marching and Location at Corpus Christi,
91	May 17. 1842	Dangerfield Wm Henry	Appointed Loan Commissioner
92	" 17th "	" " "	Instructions to " "
216	Feby 10th 1843	" " "	Instructions to Lieut Jones in charge artillery service
92	May 17. 1842	Crump Wm G	Appointed acting Sec. of the Treasury - see back on 2nd page
124	July 28. 1842	Davis Col Jas	His retirement from the army - Complimentary

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77	apl 9. 1842	Earle Paul H	appointed Surgeon
20	July 20. 1842	Ewe Hon Joseph	In reference to the Brig Retrieve
20	Feby 20th 1843	" "	In reference to annuitation
46	May 6th "	" "	In reference to the conduct of Post Capt. E H Moore
237	Apl 17. 1843	Eldridge Col G. Genl Supt of Indian affairs	Instructions to
259	July 13th "	" " " " " "	Instructions
298	Jany 8th 1844	" " " " " "	Resignation accepted
245	May 6. 1842	Elliott Capt Chas	In reference to the conduct of Post Capt E H Moore
323	Jany 31. 1844.	Edwards Hayden	In relation to Indian trade
365	Aug 1st 1844	Ellis Joseph	appointed agent for the Choctaw & Chickasaw Indians
365	" 1st "	" "	Instructions

Page	Date	To whom	
16	Jany 5: 1842	Franks Col L B	Instructions to, Indian agents,
34	July 1st "	" " "	Indian agents. Instructions to
58	May 9. "	" " "	" " " " , In reference to a horse claimed by Mr Webb
73	" 21. "	" " "	Indian affairs. Col. Henry Jones, no funds &c
48	Sept. 26th "	" " "	Pottawatomie & Lipan Indians. Council to be held at Waco Village
57	Nov 13. "	" " "	Instructions, The Waco council prisoners &c
200	Jany 10th 1843	" " "	To get from the Pottawatomie & Lipan Indians a list of their respective tribes the prisoners belong to
177	Apl 5: 1842	French Legation	Passport for the property of from Auction
90	May 16. 1842	Fuller Edwd H.	Condolence the murder of Lt Fuller by mutineers

Page	Date	Subject
85	[illegible]	[illegible]
85	[illegible]	Appointment as agent at Star Creek
128	August [illegible]	Obituaries sent by the Upper Lucas
227	[illegible]	Obituaries [illegible]
241	[illegible]	[illegible]

[illegible]

1 [illegible]
40 [illegible]
[illegible]

[illegible]

9 [illegible]

[illegible]

[illegible]

2 [illegible]

23 [illegible]

[illegible] instructions [illegible]

3 [illegible]

3 [illegible]
3 [illegible]
3 [illegible] Instructions
3 [illegible] Instructions

Page	Date	To Whom	
89	May 10 1842	Thos. Williams	Declining to make a contract proposed by him for arms

Page	Date	To Whom	
110	July 6. 1842	Indian chiefs	a "talk" to the chiefs
140	Sept. 1. 1842	" apaches	a "talk" to the chiefs
152	Oct 9th "	" Commissioners	to treat with - Points to be embraced in the treaty
156	Nov 13th "	" Commissioners,	Instructions to
218	Feby 13th 1843	Indian chiefs	"Talk" to
222	March 6th "	" "	a "Talk" to
222	" 11th "	" Commissioners	Instructions to
226	" 20th "	" "	Instruction to
227	" 20 "	Indian Chiefs	a Talk to
221	" 28th "	" Chief Waco	a Talk to
222	" 28th "	" Lipans	Passport
222	" 29th "	Indian Commissioners	Instructions
236	Apl 15th "	Indian Chief Roasting Ear	and others Passports
237	" 17th "	Indian Affairs, Supt of	Instructions to
228	- - -	" "	List of articles for
229	Apl 19th 1843	Indian chiefs	a Talk to
242	May 4th "	Indian affairs, Supt, of	Instruction to
242	" 4th "	Indian Chiefs, Comanches	a Talk to
249	20th "	Indian affairs	Instructions to Commissioners
250	" " "	" "	Talk to chiefs
259	July 8th "	" agent	Instructions to
259	" 13th "	" affairs, Genl Supt	Instructions
261	Sept 13th "	" Chiefs	a Talk to
274	Dec 14th "	" agents	Instructions
276	" 14th "	" Comanche Chiefs	Talk to
288	" 21st "	Indian agents	Instructions
289	" 21st "	" Chief Keshi	Talk to
322	Jany 31. 1844	" " "	Talk to
326	Feby 2nd "	Indian agent	Instructions
321	" 3rd "	Indian - Tonkaway	- Passport
337	10th "	Indian Agent	Cambridge Green appointed
338	10th "	" "	Instructions to
342	Apl 6th "	" Commissioners	Instructions to
372	May 1st "	" Chief Waco	a talk to
372	Apl 20th "	" Commissioners	Instructions
373	" 23rd "	" "	"

Reg	Date	To	
2	Dec 12 1841	Lowe & Hudson	Appointing him Secretary of State
42	May 5th 1842	" " Sec of State	Leave of Absence
240	Apl 25th 1842	" " "	To repair to Galveston and Interview Texan Officers
257	June 1st "	" " Sec of State	Instructed to inform the charge d'affaires of friendly power that further forays by Texan will be met by prompt action and the necessary measures
261	Oct 6 "	" " " "	Proceed to Galveston and det charge d'affaires in reference to a time or element
260	Oct 1st 1842	" " " "	[illegible]
7	Feb 8th 1842	Hudson Col. Y. T. "	Instructions to detail to inquire into the conduct of [illegible]
8	" 10th "	" "	Order to prepare to be [illegible]
76	Apl. 6th 1842	Jones Col Darcy	Ordered from Vera Cruz to Washington on the remaining [illegible]
86	May 2nd 1842	Johnson Capt. R. E.	Leaving Vera Cruz on [illegible]

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Page	Date	To Whom	
10	Dec 22. 1841.	Lubbock F. R.	Appoint of him. Comptroller
85	Apl 29. 1836	Lipscomb A. S. etc	In reply to address of the citizens of Galveston in reference to the Decretion against Mexico
92	May 18. 1842	Lumsden A. McD.	appointed agent to obtain army supplies in the United States. Instructions &c

Page	Date	To Whom	
3	Dec 13. 1841	Moller Wm. D.	Appointing him Private Secretary
225	Mch 16th 1842	— —	appointed acting auditor
143	Oct 10. 1842	Mc Clarland W. G.	Removal of Government Archives from Houston to Washington
245	Feby 14th 1844	Miller Washington D.	appointed Secretary to the Special mission to Washington city
20	Jany 13. 1842	Menson Chas. Auditor	Instructions to.
43	Feby 5th "	" " "	Instructions to
168	Dec 1st "	" " "	Inquiring if any member of Congress is a defaulter to the Government ~~&c~~ per Webb
212	Jany 16th 1843	" " "	Instructions not to pay members of Congress for the time they have been absent
157	Oct 8th 1842	Moore Col J. H.	Council with Indians prisoners to be released at Waco Invasion of Mexico
198	Jany 10th 1843	" " "	To collect and convey Indian prisoners to the Council at Waco — was declined
199	" 10th "	" " "	Inst relative to collecting and conveying Indian prisoners to the council at Waco
1	Mch 15. 1842	Morehouse Genl. B	To forward troops to Genl Cornwell
53	" 17 "	" " "	Public arms & pressed property to be turned over by returning officers
55	" 18th "	" " "	Farmers to return to the cultivation of their farms ready to return to the army &c
75	" 25th "	" " "	To return to Lt Col Wm Adamson Leave that he may return to duty — of Mr White Director Mint in lieu of 2nd Cpl
18	Feby 14th 1844	" " "	Appointed Auditor to inspect the accounts of the Director
241	May 3rd 1842	Miller Gen. B.	Appointed Sec. of the Treasury
280	Dec 16th "	" " "	To give indemnity bond
83	Apl 20. 1842	McLean Capt B	To raise a Company
87	May 5th "	" " "	placing him under the command of Ben Davis. act, adjt Genl
97	June 13th 1842	Mills Maj.	Ordered to take charge of the Navy Yard at Galveston &c
268	Aug 19th 1844	Hunt Col [illegible]	To have his Command in readiness to move
100	June 18. 1842	McCulloch Benj.	Authorized to raise a Company of Cavalry — Discipline
229	Mch 5th 1843	Morgan Jas	Instructions to as Naval Commissioner to take possession of vessels — Capt & Mr Moore
239	Mch 18. 1843	Hearlin Wm P. N.	To deliver provisions for Indians
245	May 6th "	" " "	To deliver Indian prisoners

Page	Date				
4	Dec 20. 1841	Message	to	Congress	General
10	" 23. "	"	"	the Senate	Nominations
"	" " "	"	"	Congress	Furniture in the Presidents House
11th	" 27th "	"	"	the House	Veto of act changing the name of Charles Denny Moore to De Moore
11	" 28th "	"	"	the Senate	Nominating Chas Riley Minister to the United States
12	" 30th "	"	"	Congress	Invasion and preparations therefor, Youcatan
13	" 30th "	"	"	to the Senate	Geo S McIntosh, charge de affairs at Paris, his impoverished condition
13	" 31st "	"	"	the House	Veto of bill for the relief of Thos H. O. S. Addicks
13	" 31st "	"	"	Congress	Day of the Guard at the Arsenal
14	" 31st "	"	"	"	Transmitting estimates for appropriations
14	Jany 1st 1842	"	"	the House	Expenditure of the Executive contingent fund
14	" 3rd "	"	"	"	" wants information relative to the claim of Elijah Bennit and Jared Menifee
15th	" 4th "	"	"	Cong.	Steamer Javalla
16	" 5th "	"	"	"	Transmitting statement from the Treasury Dept
17	" 6th "	"	"	"	Frontier protection
17	" 7th "	"	"	"	Transmitting correspondence with the Naval bureau
17th	" 8th "	"	"	"	" a list of Defaulters
18	" 10th "	"	"	Senate	Nominating David Ross, Captain of Ordnance
18th	" 11th "	"	"	Cong.	Clerical force in the Dept, of State
18	" 12th "	"	"	"	Veto of act for the relief of Capt Thos A B Greer and his company
19	" 12th "	"	"	"	Veto of act for the issuance of patents in certain cases
19	" 12th "	"	"	"	Vetoing act providing for the organization of judicial counties
20	" 12th "	"	"	"	Transmitting a treaty with Great Britain in reference to the slave trade
20	" 13th "	"	"	the Senate	Nominations of Dist, Attorneys, &c
21.	" 19th "	"	"	"	Resignation of Judge John McHansford
21	" 20th "	"	"	Congress	Vetoing the act requiring the Auditor to audit certain claims
22	" 21st "	"	"	"	Payment of the Salaries of Judges
23.	" 21st "	"	"	"	Disbursing Officers.
23	" 21st "	"	"	"	The Atty. Generals Office, distitute condition thereof
24	" 22nd "	"	"	"	Resignation of Chief Justice Hemphill and Judge Baylor
24	" 22nd "	"	"	"	Transmitting estimates from the Department - Disbursing officers for the Navy
25	" 22nd "	"	"	"	Payment of certain claims for bringing in certain Indians.
25	" 25th "	"	"	"	Expenditures for frontier protection
26	" 26th "	"	"	"	Signing Exchequer Bills.
26	" 26th "	"	"	"	Veto of the act authorizing the Comr of the General Land office to receive auditor accounts &c
27.	" 27th "	"	"	"	Veto of the bill for the relief of Wm Bryant
27	" 27th "	"	"	"	Transmitting correspondence in reference to the "Little Penn"
29	" 27th "	"	"	"	Nominations
29	" 31st "	"	"	"	Veto of a Resolution of thanks to Capt John G Tod
30.	" 31st "	"	"	"	Veto of the act amending the law granting land to emigrants
30	" 31st "	"	"	"	Veto of act granting land to seamen
32	" 31st "	"	"	"	Veto of the bill establishing judicial counties
32.	Feby 1st 1842	"	"	"	Veto of the bill amending the act defining the boundaries of the Republic
35	" 1st "	"	"	"	Veto of the bill creating a judicial county
35	" 2nd "	"	"	"	Military stores
35	" 2nd "	"	"	"	Veto of a bill for Frontier protection
39	" 2nd "	"	"	"	Transmitting Genl Hamiltons proposition for a loan guaranteed by Belgium
39	" 3rd "	"	"	"	Nominations
40	" 3rd "	"	"	"	Veto of a bill to establish a judicial county
40	" 3rd "	"	"	"	Veto of a bill for the relief of Jonathan Bird and others
41.	" 4th "	"	"	"	Nominations
41.	" 4th "	"	"	"	Veto of a bill to establish judicial [illegible]

Page	Date	To Whom	
248.	May 13th 1843.	Vangle Wm	Commendatory,
242	April 6th 1844	Neill Col J. C.	Instructions to as Indian Commissioner
252	May 1st "	" " " "	Instructions " "
270	Sept. 10th "	" " " "	Instructions " "
272	" 23rd "	" " " "	Instructions

Page	Date	To Whom	
128	Aug 18th 1842	Crowns Col to Do	To procure ammunition – protect Carlos and his people
141	Sept 2nd "	" " "	protection of the Western frontier
225	March 13th "	" " "	To adopt such measures as he thinks best for the South-western frontier, Martial law if necessary
185	Oct 21. 1842	Aquin Colonel a Tonkaway –	Passport

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84	Apl 20 1842	Proclamation	warning the people of the United States against unauthorized agents
99	June 18 1842	Proclamation	Authorizing Commodore E W Moore to Hypothecate in his own bill for Naval expenses
144	Sept 12 "	Proclamation	Demanding of the Govr of La certain Mutineers from the vessel San Antonio
15[illegible]	Oct 29th "	Proclamation	Demanding of the Govr of La Mutineers who murdered a Lieut of the Texas Navy
169	Dec 10th "	Proclamation	Removal of Archives from Austin to Washington
187	Jany 2nd 1843	Proclamation	Demanding the surrender of Fugitives from Justice by the Govr of La
219	Feby 15th "	Proclamation	Appointing Mr P Woodhouse Loan Commissioner
228	March 21st "	Proclamation	In reference to Post Capt. E W Moore
240	Apl 27 "	Proclamation	Declaring Martial Law from the Rio Frio and Nueces to the Rio Grande
278	Dec 1st "	Proclamation	Licence to Torry Bros as Indian Traders Also to A G Kimble & Louis V Green
302	Jany 10th 1844	Proclamation	" " " " " "
303	" 18th "	Proclamation	" " Jack Dorf as Indian Trader
327	Feby 3rd "	Proclamation	Passport for P of Pilliva to visit the Indian Country
337	" 7th "	Proclamation	Capt Antonio Manchuca to collect and convey Indian prisoners to the Cannon
337	" 10th "	Proclamation	Appointing Pendleton Green Indian Agent
88	Dec 21 1843	Porter Robt A	To conduct Indian Chiefs to Washington
32	Feby 5th 1844	" "	To let an old Comanche woman have her dress
32	" 5th "	" "	To let John Connor have a horse
343	Apl 4 1844	Payne Capt B.C.	Order to furnish arms for Corpus Christi

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16	[illegible]	[illegible] Blackman House Committee	Appropriations
252	May 20 1842	Peters Atty	Indian Affairs Treaty Accounts
252	May 21 1842	Parsons Atty	Conveying the mail in Indian Country
253	May 21 1842	Rush Genl P.O.	Enumerate Post Offices and post masters in Louisiana
255	June 2 1842	Bagnell & Co	Definitive action of Treasury

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4	Dec 13. 1841	Hickney & L	Appointing him acting Secretary of the Treasury
27	Jany 26. 1842	" " "	Signing of Exchequer Bills.
42	July 5th "	" " " act Treasurer	Instructions to
91	May 16th 1842	Somervell Alexander	Appointing him Collector of the port of Galveston
43	July 5th 1842	Snively J	Appointment as acting assistant Inspector-General
45	Mch 9. 1842	Lerin Count Lion de	In reply to memorial relating to land donations to emigrants
47	Mch 10. 1842	Somervell Genl A.	To take Command of the army and prepare to meet the enemy
52	" 16th "	" " "	News from Mexico, order to have daily express with the latest news
53	" 18th "	" " "	Two companies to scout in the southwest. Traders, no depredations to be committed
54	" 18th "	" " "	Order, Discipline, eventual invasion of Mexico
71	" 22nd "	" " "	To cross the Rio Grande if practicable, but cautious and quiet
72	" 22nd "	" " "	First to take the towns above Matamoras, no one else has a right to command
149	Oct 3rd "	" " "	To concentrate the troops on the Western frontier and advance on the enemy ~~south~~
148	Nov 23rd "	" " "	Conduct of the campaign criticism
147	Sept 22. 1842	Secrest W. H.	To raise a company of Spies
6	Mch 21. 1842	Santa Anna Lopez de	a general review, Santa anna's letter written at Orizimba to Genl Houston in 1836. and his message of the President concerning his release. - Mexican Banditti & massacres
62	July 29th 1844	Santa Anna, Lopez de	In reply to the Manifesto of Genl Woll - a review of the last
75	Mch 25. 1842	Smith Maj Thos J	Instructions in reference to the Tancahua & Lipan Indians
169	Dec 10. 184	" " " "	Instructions relative to the removal of the Arokenas from Austin -
89	May 12. 1842	Snyder John G.	Order to purchase Sugar and Coffee for the troops at Corpus Christi
148	Sept 23. 1842	Stroud A M	License to traders with the Indians
207	Apl 17th 1843	Stroud Beden	Order for Corn, for Indians

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96	June 7th 1842	Stevenson Capt	Order to Sec of war to issue his commission
108	July 5th 1842	Scott H.E.	Provisional appointment as Indian agent
109	July 6th 1842	Sanchez Louis	appointed for Indian Services Interpreter
274	Dec 14th	Sanchez, Louis, Indian agt	Instruction
288	" 21st "	" " " "	Instructions
117	July 15th 1842	Smith Ashbel.	charge de affaires at Paris – Ins relative to the absence of Mr de Saligny
157	Nov 16th 1842	Shaw Jas B. Comptroller	Instructions to reserve $1000 of the Executive contingent fund to pay outstanding bills
216	Feby 8th 1843	" "	Instruction in reference to the appropriation for the fortification of Galveston
219	" 15th "	" "	appointed acting Treasurer
280	Dec 18th "	" "	" " "
233	Feby 15th 1844	" "	" " "
340	" 15th "	" "	Instructions to
341	" 22d "	"	Instructions to enforce the collection of Import duties at Labina Pass
274	Dec 14th 1843	Float Benj. Indian agt	Instructions
288	" 21st "	" " " "	Instructions
326	Feby 2nd 1844	" " " "	Instructions
342	Feb 2nd "	" " "	Permission to Lt Commanding to provide Indians
372	Apr 17th "	" " " "	Instructions
366	Aug 6th 1844	Slater Stephen P	Indian agent – Instructions
372	Sept 17th "	" " "	" " Instructions
368	May 13th 1844	Shanks Maj John P	to forward orders to Brigade Officers
367	May 16th 1844	Shelby County	Address to the Citizens of
368	May 17th 1844	Smith Genl Jas	To preserve the peace in Shelby County – troops to be in readiness to ~~aid~~
369	" 22nd "	" " "	Instructions for in reference to the moderators & Regulators
370	" 26th	" " "	To raise a company to be stationed in Shelby County
376	" 23rd "	" " "	Instructions

Page	Date	To Whom	
91	May 16-1842	Terrill & Ty, atty Genl	To induce Mesrs Durst & Williams to act as commissioners to treat with Indians
94	" 24. "	" " " "	Enforcement of the laws for collecting Government dues
217	July 12-1842	" " "	Instructions in reference to Indian affairs and the treaty with the United States
140	aug 25-1842	Tower Isaac S.	Appointed Commissioner to treat with the Apache Indians
168	Dec 9-1842	Taylor Genl Z. U.S. Army	Prisoners Ransomed from Indians - Tommy Parker
238	apl 17-1843	Torrey Thos S.	appointed Indian agent
239	Feby 15-1844	" " "	In relation to Supplies for Indians
256	June 1st 1842	Torry Brot - traders	Stationary
290	Dec 23d "	" " "	Supplies for the Indians
368	aug 7-1844	Towson Col John	To have his Command in readiness to move

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Page	Date	From	
138	May 12 1862	The Three Indigenous Reply to Resolutions to protection of the western frontier	
2	[illegible]	[illegible]	Commissioner to the Ind. Department
2	[illegible]	[illegible]	[illegible]
3	[illegible]	[illegible]	[illegible]
7	[illegible]	[illegible]	[illegible]

Page	Date	To Whom	
50	Mch 11. 1842	Wade, Lieut, John	To Inspect all vessels on the coast and lieu such as have contraband of war &c
199	Feby 2d 1843	Watson R. C.	Appointed to collect and convey Indian prisoners to the council at Waco Village
214	" 3d "	" "	Instructions in reference to carrying Indian prisoners to Waco Village
215	" 9th "	" "	To make necessary purchases
55	Mch 19. 1842.	Weston Maj Thos G.	Invasion of Mexico. defendent on the United States to keep him informed. rectifies opinion
357	May 1st 1844	" " " "	Supt. of Indian affairs. Instructions to
358	Jan 25th "	" " " "	" " " Instructions to
261	July 29th "	" " " "	" " " Instructions to
364	Aug 1st "	" " " "	" " " Instructions to
322	Feby 5th 1844	Watson D. G.	Agreement to pay for service in Indian affairs
77	Apl 4th 1842.	Ward Col. Thos. W	Order for the removal of the Archives from Austin to Houston
143	Sept 6th "	" " " "	Ordered to take charge of certain public property
171	Dec 10. "	" " " "	Removal of Archives from Austin
293	Dec 28th "	" " " "	To proceed to Austin and take charge of the Archives
93	May 22. 1842.	Washington Col. H.	Volunteers from New Orleans must be well supplied, Medical stores, Sickness at Corpus Christi
96	" 31. "	" " "	Instructions. Supplies must be sent, volunteers & emigrants in a starving condition
132	July 26th "	" " "	Ld reported a defaulter to the Government, Don't believe it &c
342	Feb 6th 1844	Williams L H	Instructions to as Indian Commissioner
352	May 1. "	" " "	Instructions to
42	Feby 5th 1842	Waples Joseph	Appointing him acting Sec. of State
113	July 5th "	" "	asking for information about the charges of corruption in reference to the release of Santa Anna, and Mr Waples reply
268	July 1st 1843	Wheelock Col C L R	Indian affairs. report of a company going out ostensibly for mining purposes.
158	Aug 19th 1842.	Woodhouse W. P.	Appointed acting Sec. of the Treasury
9	" 24th "	" "	Drafts drawn by Santa Fe prisoners
2	Jany 27th 1843	" "	appointed acting Sec of the Treasury, Instructions to instruct the collector to advance certain funds
12	Feby 4th 1843	" "	To advance $200. out of appropriation for Indian affairs to the Commissioner
19	Feby 15th "	" "	appointed Loan Commissioner
	Jany 18th 1843	Warren Col John	Fortification of Velasco
81	Dec 19th 1842.	Walker Joseph	authority to open certain mines
28	Feby 3d 1844	Williams - - -	Commission to negotiate a treaty - Instructions &c
57	May 24th 1844	Williams L. H.	authority to collect public property
7	Jan 1st 1844.	" "	Instructions to as Indian agent

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42	Sept 1842	Hayes	Joseph	Appointing him acting Secretary of State - intruder back on 2nd page

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261	Oct 16 - 1842	Young Lewis B.	In reference to certain Drafts drawn by Genl Thos. J. Green, denouncing him

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15	Jany 4. 1842	

Page	Date	To Whom	Messages continued —
41.	Feby 4th 1842	Message to Congress	Resignation of the Maj Genl of Militia — Felix Houston
43	" 5th "	" " "	Preservation of the National Archives
44	" 5th "	" " "	Veto of the bill providing for the refunding and payment of the public debt
101	June 27th 1842	" " "	General Message to Extra Session 27th Congress
108	July 5th "	" " "	Indian Affairs
109	July 6th "	" " "	Colonization Contracts
110	" 6th "	" " "	Transmitting Military estimates
111	" 6th "	" " "	Transmitting financial exhibits
111	" 7th "	" " "	Santa Fe Prisoners
112	" 8th "	" " "	In relation to the charges contained in a letter from A. S. Wright a special agent in Mexico, in reference to the release of Santa Anna. Corruption charges
115	July 9th 1842	" " "	In reference to the resignation of the Maj Genl of Militia — Felix Houston
116	" 9th "	" " "	Transmitting information in reference to removal of the Archives from Austin
118	" 15th "	" " "	Transmitting Military estimates.
118	" 15th "	" " "	Transmitting further information relative to the removal of the Archives
118	" 15th "	" " "	Transmitting information as to contemplated loan
119	" 16th "	" " "	In reference to the claims of the Count de Menloza
119	" 16th "	" " "	Transmitting Naval estimates and the Money received from Yucatan &c
120	" 18th "	" " "	In reference to foreign Volunteers
121	" 18th "	" " "	Military forces and protection of the frontier
121	" 19th "	" " "	Nominations, Naval.
122	" 19th "	" " "	Collection of the Revenue
122	19th "	" " "	Support of the Currency
4	" 20th "	" " "	Nomination Isaac Van Zandt, Charge de affaires to the United States
4	" 22nd "	" " "	Veto of the bill restoring Capt Augustus Williams to command
26	" 22 "	" " "	Veto of the bill authorizing offensive war against Mexico
59	Dec 1st "	" " "	General Message to the 7th Congress
72	" 13th "	" " "	Nominations
72	" 14th "	" " "	Transmitting information as to relations with Yucatan
144	" 15th "	" " "	Plans of the present Campaign
175	" 20th "	" " "	Transmitting a Treaty with the United States
176	" 22nd "	" " "	In relation to the Navy, relations with Mexico, prospects of Invasion &c
181	Dec 23rd "	" " "	In relation to the Surrender of Indian prisoners
181	" 24th "	" " "	In relation to an order issued to the clerk of Land Commissioners of Bexar &c
182	" 27th "	" " "	Transmitting Military estimates
183	" 28th "	" " "	Empresario Claims
185	" 29th "	" " "	The claim of Genl Waddy Thompson
186	" 30th "	" " "	Nominations — Compensation of Consuls &c
188	Jany 3rd 1843	" " "	In relation to the Navy
190	" 4th "	" " "	Removal of the Archives from Austin
194	" 6th "	" " "	Nominations
195	" 7th "	" " "	Stores on hand in 1842 and the manner of their disposal &c
197	" 10th "	" " "	In relation to the Archives
200	" 10th "	" " "	In relation to Invasion by Mexicans and public defence &c
205	" 11th "	" " "	Nomination
5	" 11th "	" " "	The imprisonment of Antonio Navarro in Mexico
7	" 13th "	" " "	Submitting the Treaty of Amity, Commerce & Navigation with the United States
	" 13th "	" " "	Removal of the Government to Washington.
	" 14th "	" " "	Veto of the bill for frontier protection.

Page	Date	To Whom	Messages Continued
211	Jany 16th 1843	Message to Congress	Nomination
262	Dec 12th "	" " "	General Message to the 8th Cong.
279	" 15th "	" " "	Transmitting estimate
280	" 18th "	" " "	Transmitting correspondence in reference to Emperorio claim of British subjects
281	" 20th "	" " "	responsive to a Resolution demanding the recall of a Special Messenger
287	" 20th "	" " "	Claims for Mail transportation
287	" 20th "	" " "	Nominations
289	" 21st "	" " "	Removing the Seal of Secrecy
290	" 22nd "	" " "	Resolution of the Brunn Senate in reference to Commercial regulations with Texas
290	" 23rd "	" " "	In relation to the election of Major Genl. of the Militia
291	" 26th "	" " "	Revenue of the Post Office Dept.
291	" 26th "	" " "	Transmitting the vote for Maj. Genl. of the militia
292	" 27th "	" " "	Transmitting estimates by the Departments
292	" 28th "	" " "	Transmitting information relative to the release of prisoners in Mexico
294	" 29th "	" " "	Transmitting information as to the condition of the Navy
294	Jany 1st 1844	" " "	In relation to a House Resolution calling for transcript of all foreig correspondence - Refused
296	" 1st "	" " "	In reference to relations with France
296	" 2nd "	" " "	In relation to Snively's expedition
297	" 2nd "	" " "	Transmitting information in relation to Naval affairs
297	" 3rd "	" " "	relative to Naval vessels
298	" 8th "	" " "	Condition of the Navy
298	" 8th "	" " "	Transmitting Indian Treaties
299	" 10th "	" " "	Veto of the bill prohibiting further Colonization Contracts
300	" 11th "	" " "	Estimate of amt. required for Indian purposes and Commissioners to Mexico
301	" 13th "	" " "	Expenditure of various appropriations
302	" 15th "	" " "	Disabled Seamen, bounties
303	" 18th "	" " "	Veto of the bill requiring the Government to return to Austin
306	" 18th "	" " "	In relation to the artillery at Galveston
307	" 18th "	" " "	Transmitting (to committee) information relative to Post Capt Moore
307	" 20th "	" " "	In reference to annexation
309	" 20th "	" " "	Veto of the bill removing the Supreme Court to Galveston
311	" 22nd "	" " "	relative to vacant judgeship
311	" 22nd "	" " "	Cherokee Lands
314	" 22nd "	" " "	Arms & Military Stores on hand
314	" 25th "	" " "	Transmitting the Report of the Comr. of the General Land office
314	" 26th "	" " "	To committee on foreign affairs in reference to correspondence
315	" 26th "	" " "	Veto of the bill for the relief of Kreiger & Moore - printing laws
316	" 27th "	" " "	Veto of the bill for the relief of certain mail contractors
317	" 27th "	" " "	Condition of the Cherokee Lands
318	" 27th "	" " "	Veto of the bill for the relief of Wm G Cooke
319	" 29th "	" " "	Veto of the bill for the relief of Col J McNeill
320	" 29th "	" " "	Veto of the bill for the relief of Jonathan Bird et al
320	" 29th "	" " "	Veto of the bill for the relief of Robt Pace & Sarah Hubert
321	" 29th "	" " "	Relative to the advances made to the Meier prisoners
324	Feby 1st 1844	" " "	Veto of the bill for the relief of officers of the Navy
325	" 2nd "	" " "	Veto of the bill for the relief of G H Terrell
328	" 3rd "	" " "	Veto of the bill for the relief of A.B. Shelby
331	" 5th "	" " "	Veto of the bill for the relief of Jeremiah Tinnon
332	" 5th "	" " "	Transmitting the Report of the Naval Commissioners
332	" 5th "	" " "	Nominations, judges Ore Roberts & others
334	" 5th "	" " "	Veto of the bill altering and fixing import

Continued. See over

Date				
377	Dec. 5th	[illegible]	[illegible]	[illegible]
382	" 5th	"	"	[illegible]
382	" 5th	"	"	[illegible]
382	" 5th	"	"	[illegible]
382	" 5th	"	"	[illegible]
382	— — —	[illegible]		